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Rules, Regulations, Orders

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENTS TO RULES RELATING TO THE REGISTRATION OF UNISSUED SECURITIES FOR "WHEN ISSUED" DEALING ON NATIONAL SECURITIES EXCHANGES

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 12 (d) and 23 (a) thereof, and deeming it necessary or appropriate in the public interest or for the protection of investors so to do hereby amends §§ 240.12d3–1 to 240.12d3–9 [Regulation X-12D3] as follows:

I. By adding after § 240.12d3–9, § 240.12d3–10. The text of § 240.12d3–10 reads as follows:

§ 240.12d3–10 *Registration of an unissued security, other than a warrant, to be issued pursuant to a plan of reorganization in connection with a receivership proceeding or bankruptcy proceeding under section 77 of the Bankruptcy Act, of a carrier required to make annual reports under section 20 of the Interstate Commerce Act, as amended.* (a) Notwithstanding the provisions of § 240.12d3–4 [Rule X-12D3–4], an unissued security, other than a warrant, to be issued pursuant to a Plan of Reorganization, confirmed by a court of competent jurisdiction in a receivership proceeding or a bankruptcy proceeding under section 77 of the Bankruptcy Act,[1] of a carrier required to make annual reports under section 20 of the Interstate Commerce Act, as amended,[2] may be registered for "when issued" dealing on a national securities exchange, provided that:

(1) The reorganization managers, if any, or other person entrusted with the duty of consummating the Plan of Reorganization has filed a written statement with such exchange (and a duplicate signed original with the Commission) advising that:

(i) The Plan of Reorganization has been finally confirmed or otherwise finally approved by order of the court in which the receivership or bankruptcy proceeding is pending and that the time during which an appeal may be taken from such order has expired and that no such appeal is pending; and

(ii) Prior to the date when such unissued security is made available for delivery, application will be made for listing and for registration of such unissued security pursuant to section 12 (b) and (c) of the Act (Sec. 12, 48 Stat. 892; 15 U.S.C. 781) on such exchange or on another exchange in the same city.

(2) Such unissued security is the subject of a right to subscribe to or otherwise acquire such unissued security granted to the holders of a security which is admitted to dealing on a national securities exchange.

(3) A registration statement under the Securities Act of 1933, as amended (48 Stat. 74; 15 U.S.C. 77a), is in effect as to such unissued security, if such registration is required.

(4) If such unissued security is the subject of a warrant evidencing a right to subscribe to or otherwise acquire such unissued security, such warrant shall ex-

[1] Sec. 1, 47 Stat. 1474; c. 774, 49 Stat. 911; c. 833, 49 Stat. 1969; c. 689, 53 Stat. 1406; 11 U.S.C. 205.

[2] Sec. 20, 24 Stat. 386; sec. 7, 34 Stat. 593; c. 193, 35 Stat. 648; sec. 14, 36 Stat. 555; sec. 1, 38 Stat. 1196; c. 301, 39 Stat. 441; sec. 434–438, 41 Stat. 495; c. 761, 44 Stat. 835; sec. 3, 44 Stat. 1448; c. 208, 46 Stat. 251; 49 U.S.C., 20.

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pire within 90 days after its first issuance pursuant to the Plan of Reorganization.

(5) Formal and official announcement has been made of the terms of the Plan of Reorganization as confirmed by order of the court in which the receivership or bankruptcy proceeding is pending and a copy of such Plan, certified by the Clerk of such court, has been filed with such exchange and with the Commission as Exhibit "A" to Form 2–J.

(6) The members of the certifying exchange are subject to rules which provide substantially that the performance of a contract to purchase or sell an unissued security shall be conditioned upon the issuance of such security.

(7) No application has been filed for "when issued" dealing in such unissued security on another national securities exchange in the same city on which other exchange such unissued security is to be listed and registered upon issuance.

(b) Notwithstanding the provisions of § 240.12d3–5 (a) [Rule X-12D3–5 (a)], Form 2–J may be filed by the reorganization managers, if any, or other person entrusted with the duty of consummating the Plan of Reorganization.

(c) Notwithstanding the provisions of § 240.12d3–6 (d) [Rule X-12D3–6 (d)], registration of an unissued security for "when issued" dealing pursuant to paragraphs (a) and (b) of this section shall expire at the close of business on the one hundred and twentieth day after the effective date of such registration or at the close of business on the fifteenth full business day after the date when such unissued security is made available for delivery, whichever date is earlier, unless the Commission shall order an extension of the effective period of such registration. [Rule 12D3–10 of Regulation X-12D3, effective September 30, 1941.] (Sec. 12, 48 Stat. 892; sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 781, 78w.)

II. By adding after the words "§ 240.12d3–4 [Rule X-12D3–4"] in § 240.12d3–6 (b) [Rule X-12D3–6 (b)] and § 240.12d3–8 (a) (3) [Rule X-12D3–8 (a) (3)] the words "or § 240.12d3–10 [Rule X-12D3–10"].

Effective September 30, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–7316; Filed, September 30, 1941; 3:52 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

Correction

The regulations dealing with taxes relating to machine guns and certain other firearms which appeared under Part 319 on page 4934 of the issue for Tuesday, September 30, 1941, lacked the agency designation: Regulations 88—1941 Edition.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-357]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR APPROVING AND ADOPTING WITH AMENDMENT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND GRANTING FINAL RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Bituminous Coal Division, having been duly filed with the Division by District Board 1 on November 14, 1940, proposing and seeking the establishment of price classifications and minimum prices for the coals of certain mines not theretofore classified and priced; and

Temporary relief, pending final disposition of this proceeding, having been granted by Order of the Director dated November 28, 1940, establishing temporary effective minimum prices set forth in two schedules designated "Temporary Supplement," annexed to and made a part of said Order; and

A hearing having been held before Charles O. Fowler, an Examiner of the Division, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., on December 12, 1940; and

The Examiner having made proposed Findings of Fact and Conclusions of Law in this matter, dated February 24, 1941, recommending that the temporary prices established by the Order dated November 28, 1940, 5 F.R. 4830, 4831, be made permanent; and

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed; and

The Director having determined that the Kenny's #2 Mine (Mine Index No. 676) of Frank J. Kenny is located in District 2 and was inadvertently included in this proceeding as being located in District 1; that the Moshannon #6 Mine (Mine Index No. 2602) of Bernard A. Murawski was included in Docket A-654, and classified and priced therein for both rail and truck shipments; that the Bridge Mine (Mine Index No. 2873) of F. J. Wilson was included in Docket A-356 and classified and priced therein for truck shipment; that no price classifications or minimum prices should be established in this proceedings for the Kenny's #2, Moshannon #6 or Bridge Mine; and that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be amended accordingly; and

The Director having determined that the proposed Findings of Fact and the Conclusions of Law of the Examiner in this matter, as herein amended, should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director, and that the price classifications and minimum prices listed in Supplements R and T annexed hereto should be established for the coals produced at the mines therein shown;

It is ordered, That the said proposed Findings of Fact and Conclusions of Law of the Examiner, as herein amended, be, and the same are hereby, approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group No.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Freight origin group No.	1	2	3	4	5
649	Bessemer Coal Co. (J. Alton Shoff)	Bessemer #3	7	D	41	(†)	(†)	F	(†)	(†)
663	Bigler, H. F., Jr	Salt Lick	9	C′	44	(†)	(†)	E	(†)	(†)
86	Central Moshannon Coal Mining Co. (J. Howard Smith).	Central Moshannon #2.	13	D	44	G	(†)	(*)	G	G
642	Goodwin, John C., Raymond Goodwin and David Michael.	Castle G #2	43	Big Vein	67	(†)	(†)	D	(†)	(†)
210	Heshbon Coal Co	Heshbon #2	25	D	61	F	(†)	(*)	F	F
330	Hilvitz, Joseph (Hilvitz Coal Co.)	Moore #1	16	D	44	(†)	(†)	(*)	E	E
1541	Huey, Ord	Huey	12	E	112	(†)	(†)	G	(†)	(†)
650	Scurfield, E. H. (Scurfield Coal Co.)	Alt Father	41	A	100	(†)	(†)	G	(†)	(†)
640	Sensabaugh, G. C	Meadow Mountain	42	E	101	(†)	(†)	E	(†)	(†)
675	Service Coal Company, Inc	Service #1	38	B	49	(†)	(†)	C	(†)	(†)
372	Walker, John I	Penn #4	21	B	49	(†)	(†)	(*)	(†)	C
185	Walker, John D	Pottersdale #1	9	C′ and D	44	E	(†)	(*)	E	E
2394	Wetzel & Blose (G. C. Blose)	Wetzel	12	E	112	(†)	(†)	G	(†)	(†)
2224	Wetzel, Ray	Wetzel	12	E	112	(†)	(†)	G	(†)	(†)

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2", and under slack	¾" and under slack
						1	2	3	4	5
Anderson, Emory	1013	Anderson	6	Jefferson	C′	245		(*)	210	200
Badowski and Sons, Frank.	2805	Badowski Mine #2	33	Somerset	B			245		
Barber, Sam (Fager Coal Co.).	2841	Black Oak #7	26	Cambria	D			235		
Beltz Bros. (C. W. Beltz).	2788	Beltz Mine	38	Somerset	B			230		
Bessemer Coal Co. (J. Alton Shoff).	649	Bessemer #3	7	Clearfield	D			220		
Bigler, H. F., Jr	663	Salt Lick	9	Clearfield	C′			225		
Bowers, H. B	2634	Bowers	6	Indiana	E			220		
Brickley, Don & Jacob (Don Brickley).	2640	Irvin Hill	3	Clinton	C			235		
Brush Creek Coal Co. (Ralph Johnson).	2644	Brush Creek #1	43	Allegany	Brush Creek			220		
Burdock, E. S. & J. C. (J. C. Burdock).	2615	Burdocks	44	Mineral	Tyson			225		
Calderwood, M. F. (Black Bear Coal Co.).	2864	Black Bear	8	Centre	B			225		
Central Moshannon Coal Mining Co. (J. Howard Smith).	86	Central Moshannon #2.	13	Clearfield	D	240		(*)	205	195
Contron Coal Company	2880	Contron #2	18	Cambria	A			220		
Crotsley, Chas. E	2869	Crotsley #2	39	Huntingdon	Fulton			240		
Custer-Stull Coal Mine (Earl Custer).	2613	Sheeler	37	Somerset	B			220		
Delozier, T. W	2837	Delozier	27	Cambria	E			220		

§ 321.24 *General prices*—Supplement T—Continued

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdist. No.	County	Seam	All lump coal double screened top size 2" and over (1)	Double screened top size 2" and under (2)	Run of mine modified R/M (3)	2" and under slack (4)	¾" and under slack (5)
E.-D. Coal Co. (M. J. Deitrich).	2863	E.-D. Coal Co	17	Cambria	D			225		
Eshbaugh & Sweitzer Coal Co. (Clair J. Sweitzer).	2614	Twin Oak	4	Clarion	D & E	240	215	215	200	190
Goodwin, John C., Raymond Goodwin and David Michael.	642	Castle G #2	43	Allegany	Big Vein			230		
Heidler & Co., Lewis (Lewis Heidler).	2842	Heidler	8	Centre	B			225		
Heseltine & Hartley (Robert Heseltine, Jr.).	1663	Heseltine & Hartley	16	Cambria	D			225		
Heshbon Coal Co	210	Heshbon #2	25	Indiana	D	245		(*)	210	200
Hickory Ridge Coal Company (James B. Wyse).	2606	Hickory Ridge	4	Clarion	D	240	215	215	200	190
Hilvitz, Joseph (Hilvitz Coal Co.).	330	Moore #1	16	Cambria	D			(*)	215	205
Hricko Coal Company (Andrew B. Hricko).	2633	Krise	17	Cambria	E			225		
Hughes, Frank L. & V. R. Zimmerman (Frank L. Hughes).	2605	Reitz	6	Jefferson	E			220		
Landis & Wetmiller (Dalphon Landis).	2643	Landis & Wetmiller	41	Somerset	Pittsburgh			215		
Liegey, Charles L. & Clyde G. Sankey.	2630	Mt. Zion	7	Clearfield	D			220		
Lucas, Harry G	2870	Snyder	7	Clearfield	D			220		
McCartney, T. V	2871	McCartney #2	18	Cambria	D			220		
Mann, Thomas	2868	Mann	19	Clearfield	D			235		
Martz, Frank B	2867	Sandy Valley	5	Jefferson	B			225	215	205
Metzger Coal Company, The.	2794	Metzger	9	Clearfield	C'			225		
Miller, Henry, & Henry (Harry Henry).	2618	Stufft	36	Somerset	E			225		
Neal, Ralph W	2651	Neal	6	Indiana	E			220		
Newcombe, William J	2856	Newcombe	13	Clearfield	D			230		
Owens, Elmer	2617	Owens	7	Clearfield	D	245	220	220	210	200
Pass, Charles	2639	Pass	29	Cambria	B			220		
Patterson & Williams (Arthur Williams).	2637	Wilpat	14	Clearfield	B			225		
Powell, D. G. & Le-Corre Bros. (D. G. Powell).	2641	Nancy #1	20	Clearfield	D			220		
Powell, D. G. & Le-Corre Bros. (D. G. Powell).	2642	Nancy #2	20	Clearfield	B			235		
Radaker, Harry & Lavere.	2574	Radaker	6	Clearfield	B			220		
Reed & Lindsay (R. O. Reed).	2658	Reed	8	Clearfield	A			210		
Scurfield, E. H. (Scurfield Coal Co.).	650	Alt Father	41	Somerset	A			215		
Sensabaugh, G. C	640	Meadow Mountain	42	Garrett	E			225		
Service Coal Company, Inc.	675	Service #1	38	Somerset	B			235		
Shick, C. O	2599	Shick	4	Clarion	E	240	215	215	200	190
Shomo, Clair E	2703	Shomo	18	Cambria	E			220		
Snyder Mine (Willard Brown).	2636	Snyder	7	Clearfield	D			220		
Vaughn Bros	2872	Vaughn #2	21	Centre	A			210	200	190
Walker, John D	372	Penn #4	21	Centre	B			(*)	225	215
Walker, John D	185	Pottersdale #1	9	Clearfield	C' & D		250	(*)	215	205
Williams & Co., George H. (George H. Williams).	2632	Williams	44	Grant	B			210		
Wirick & Sons, C. B. (C. B. Wirick).	2828	C. B. Wirick and Sons	33	Somerset	B			245		

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-7287; Filed, September 30, 1941; 10:10 a. m.]

[Docket No. A-564]

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT NO. 6

ORDER GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 6 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by District Board 6 requesting price classifications and minimum prices for all shipments except truck for certain mines in District 6 theretofore classified for rail shipment, and also requesting price classifications and minimum prices for coals of several mines not theretofore classified for any movement;

Temporary relief pending the final disposition of this proceeding having been granted in part by an Order dated March 28, 1941, 6 F.R. 1723, establishing minimum f. o. b. mine prices on truck shipments for certain mines which had not theretofore been classified in any way;

A hearing having been held in this matter before D. C. McCurtain, a duly designated Examiner of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and

The preparation of an Examiner's report in this matter having been waived by the parties herein;

It is ordered, That § 326.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 326.6 (*Numerical list of mines*) is amended by adding thereto Supplement R-II, and § 326.23 (*General prices; for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 5, 1941.

[SEAL] H. A. GRAY,
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 6

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER

§ 326.5 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Type	Shipping points in West Virginia	Railroad	Freight origin group Nos.	Price classifications by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
102	Anderson, Jerome	Jerome Anderson		Pgh. 8	Deep	Colliers	P. R. R	30	C	C	C	C	C	C	C	C	C			C
122	Fireside Fuel Co. (Edw. H. Canon).	Douvall		Pgh. 8	Deep	Louise Follansbee	P. & W. V., P. R. R	50	C	C	C	C	C	C	C	C	C			C
136	Hickman & Zagar	Hickman & Zagar		Pgh. 8	Deep	Colliers	P. R. R	30	C	C	C	C	C	C	C	C	C			C
[1] 192	Mitchell & Jones Corporation	Standard #2		Pgh. 8	Strip	Wellsburg	P. R. R	30	E	E	E	E	E	E	E	E	E	E		E
[2] 173	Painter Run Mine (Joseph Serafine).	Painter Run		Pgh. 8	Deep	Wellsburg	P. R. R	30	C	C	C	C	C	C	C	C	C			C
162	Peluchette, Chris (Liberty Coal Co.).	Betty		Pgh. 8	Deep	Wheeling	P. R. R	30	C	C	C	C	C	C	C	C	C			C
168	Reliable Coal Co	Reliable		Pgh. 8	Deep	Wheeling	P. R. R	30	C	C	C	C	C	C	C	C	C			C
169	Reymann Coal Co., Inc.	Reymann		Pgh. 8	Deep	Wheeling	P. R. R	30	C	C	C	C	C	C	C	C	C			C
174	Short Creek Coal Co. (C. F. Stratton).	Short Creek		Pgh. 8	Deep	Warwood	P. R. R	30	C	C	C	C	C	C	C	C	C			C

[1] Formerly operated by Matt Buday as Walnut Grove #2 mine.
[2] Formerly operated by Sylvester Serafine (Painter Run Coal Co.) as Painter Run mine.

§ 326.6 *Numerical list of mines*—Supplement R–II

Refer to § 326.6 in Part 326, Minimum Price Schedule for District No. 6. Add the following:

Mine index No.	Mine name	Code member	Freight origin group No.	Railroad
102	Jerome Anderson	Anderson, Jerome	30	P. R. R.
122	Douvall	Fireside Fuel Co. (Edw. H. Canon)	50	P. R. R., P. & W. V.
136	Hickman & Zagar	Hickman & Zagar	30	P. R. R.
162	Betty	Peluchette, Chris (Liberty Coal Co.)	30	P. R. R.
168	Reliable	Reliable Coal Co	30	P. R. R.
169	Reymann	Reymann Coal Co., Inc	30	P. R. R.
173	Painter Run	Painter Run Mine (Joseph Serafine)	30	P. R. R.
174	Short Creek	Short Creek Coal Co. (C. F. Stratton)	30	P. R. R.
192	Standard #2	Mitchell & Jones Corporation	30	P. R. R.

Prices for all Mine Index Numbers except 7, 20, 24 and 26 shown in § 326.7 and § 326.8 (a), (b), (c), and (d), in Part 326, Minimum Price Schedule in the Schedule of Effective Minimum Prices apply to Mine Index Numbers 102, 122, 136, 162, 168, 169, 173 and 174.

Prices for Mine Index Numbers 7, 20, 24 and 26 shown in § 326.7 and § 326.8 (a), (b), (c), and (d) in Part 326, Minimum Price Schedule in the Schedule of Effective Minimum Prices apply to Mine Index Number 192.

FOR TRUCK SHIPMENTS

§ 326.23 *General prices; for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
Buday, Matt	Walnut Grove #2	192	Pgh. 8	275	265	250	225	220	210	190	180
Forsha, Lina		201	Pgh. 8	285	275	260	235	230	220	200	190
Pittenger, Charles	Pittenger	203	Pgh. 8	285	275	260	235	230	220	200	190

[F. R. Doc. 41–7290; Filed, September 30, 1941; 10:11 a. m.]

[Docket No. A–1002]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 8, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.									
						1	2	3	4	5	6	7	8	9	10
725	Gibson, L. C	Helena	4	Davy-Sewell	30	D	(†)	(†)	(†)	(†)	(*)	(*)	D	(*)	(†)
638	Miller, J. H. (Miller Coal Co.).	Miller	5	Poca. 3	14	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)
232	Patterson Red Ash Coal Co. (Wm. Patterson).	Patterson Red Ash	4	Red Ash	30	(*)	(†)	(†)	(†)	(†)	(*)	(*)	D	(*)	(†)
608	Stone, George T	House Coal Co	2	Sewell	10	(†)	(†)	(†)	(†)	(†)	A	A	(†)	(†)	(†)

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Gibson, L. C	725	Helena	4	McDowell	Davy-Sewell	315	------	(*)	(*)	185	(*)
Patterson Red Ash Coal Co. (Wm. Patterson).	232	Patterson Red Ash.	4	McDowell	Red Ash	(*)	------	(*)	(*)	185	(*)

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-7283; Filed, September 30, 1941; 10:07 a. m.]

[Docket No. A-988]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED IN DISTRICT NO. 8

An original petition, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the matter hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Petitioner in proposing price classifications and minimum prices for the coals of the Boone and McReynolds #1 and #2 Mines (Mine Index Nos. 791 and 792) for rail shipment designates such mines as being contained in Freight Origin Group No. 50 whereas according to the records of this Division these mines are contained in Freight Origin Group No. 10. For this reason Mine Index Nos. 791 and 792, as set forth in the attached schedule marked "Supplement R," have been placed in Freight Origin Group No. 10.

Petitioner in proposing minimum prices for the coals of certain mines in Knott County, Kentucky, for truck shipment, designates the producing mines as being located in Subdistrict 1 of District No. 8 whereas according to the records of this Division all truck mines in Knott County, Kentucky, are contained in Subdistrict 3 of District No. 8. For this reason the attached schedule marked "Supplement T" designates those Knott County Mines contained therein as being in Subdistrict 3 of District No. 8.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

| Mine index No. | Code member | Mine name | Sub-dist. No. | High volatile seam | Freight origin group No. | Price classifications by size group Nos. | | |

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1, BIG SANDY-ELKHORN											
BOYD COUNTY, KY											
Hamilton & Hamilton (Everett Hamilton).	Trace Hill	689	#7	265	245	210	220	205	200	150	145
Prater, Frank	Prater No. 2	816	#7	265	245	210	220	205	200	150	145
Prater, Frank	Prater No. 3	817	#7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Defense Coal Co. (L. C. Campbell).	Defense Coal	802	Elkhorn	285	265	225	230	215	215	165	160
GREENUP COUNTY, KY.											
French, Orville	French	790	Clod	265	245	210	220	205	200	150	145
Stepp, Sam	Salyers	827	Clod	265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.											
Columbia Coal & Mining Co., Inc.	Tom's Creek	826	Millers Creek	305	285	235	240	215	225	170	165
PIKE COUNTY, KY.											
Honeycutt, G. B	Shop Branch	793	Auxier	250	230	205	205	195	195	140	135
Johnson, F. M. (Famous Elkhorn Coal Company).	Johnson	691	Elkhorn No. 2	275	255	220	230	215	210	170	165
Keesee, F. P	Dorton	800	Elkhorn No. 2	275	255	220	230	215	210	170	165
SUB-DISTRICT NO. 3, HAZARD											
KNOTT COUNTY, KY.											
Patrick, J. W	Triplett	811	Elkhorn No. 3	285	265	225	230	215	215	165	160
Patrick, J. W	Patrick No. 3	810	Elkhorn No. 3	285	265	225	230	215	215	165	160
Patrick, J. W	Patrick No. 4	809	No. 4 Elkhorn	285	265	225	230	215	215	165	160
PERRY COUNTY, KY.											
Chavies Coal Company (S. E. Duff).	Chavies Coal Company.	783	Hazard No. 4	275	255	220	225	205	210	150	145
Chavies Coal Company (S. E. Duff).	Chavies Coal Company.	825	Hazard No. 6	265	245	220	205	195	210	145	140
Hazard Coal Company (Ross Blondell).	Hazard Coal Co	803	Hazard No. 4	275	255	220	225	205	210	155	150
Leatherwood Coal Co. (M. K. Eolen).	Leatherwood Coal Co.	805	Hazard No. 4	275	255	220	225	205	210	155	150
SUB-DISTRICT NO. 4, KANAWHA											
BOONE COUNTY, W. VA.											
Pauley, Clay D	Stone Coal Co	818	Cedar Grove	265	245	225	215	200	215	175	170
NICHOLAS COUNTY, W. VA.											
Halstead, Squire	Halstead	799	Big Eagle	265	245	230	230	205	220	165	160

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 6, SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Johnson, W. L	White Oak	804	Hignite	285	265	220	240	215	210	155	150
PULASKI COUNTY, KY.											
Heath, Bob	Wolf Pit	814	No. 1	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Bowlin, Andy	Andy Bowlin	812	Blue Gem	335	315	235	260	225	225	145	140
ANDERSON COUNTY, TENN.											
Hall, Frank (Frank Hall Coal Company).	Frank Hall	807	Coal Creek	255	235	225	230	205	215	145	140
CAMPBELL COUNTY, TENN.											
Big Horn Coal Company (J. R. Allen).	Big Horn	806	Jellico	300	280	225	250	215	215	170	165
CUMBERLAND COUNTY, TENN.											
Donelson, Ben	Clifty No. 6	778	Sewanee	250	230	205	210	185	195	135	130
Ford, Hayden	Ford	796	Sewanee	250	230	205	210	185	195	135	130
OVERTON COUNTY, TENN.											
Cub Mountain Coal Co. (John Austin).	Cub Mt	813	Bon Air No. 2	250	230	205	210	185	195	135	130
SUBDISTRICT NO. 7, VIRGINIA											
DICKENSON COUNTY, VA.											
Boone & McReynolds (G. R. Boone).	Boone & McReynolds #1.	791	Lower Banner	265	245	220	220	215	210	155	150
Boone & McReynolds (G. R. Boone).	Boone & McReynolds #2.	792	Upper Banner	265	245	220	220	215	210	155	150
Browning, G. E	Browning C. Co	830	Clintwood	265	245	220	220	215	210	155	150
P. & M. Coal Co. (G. L. Powers)	P. P M. C. Co	808	Clintwood	265	245	220	220	215	210	155	150
RUSSELL COUNTY, VA.											
Harris & Harris (A. H. Harris)	Harris & Harris #1	781	Widow Kennedy.	275	255	220	240	225	210	155	150
WISE COUNTY, VA.											
Gilly, E. M	Gilly Mines	828	Blair	265	245	220	220	215	210	155	150
Kern and Adkins (I. J. Kern)	Kern Coal Co	829	Widow Kennedy	275	255	220	240	225	210	155	150
Lyons Bros. C. Co. (J. C. Lyons)	Lyons Bros. C. Co. #2.	779	Jawbone	265	245	220	220	215	210	155	150
Marcum, G. L	Marcum C. Co. #1	794	Blair	265	245	220	220	215	210	155	150
Richmond, R. A	R. A. Richmond C. Co. #2.	787	Widow Kennedy	275	255	220	240	225	210	155	150
Robbins Mine (Ernest Robbins)	Robbins	780	Widow Kennedy	275	255	220	240	225	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", 2" x 6"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 8, WILLIAMSON PIKE COUNTY, KY.											
Borderland Collieries Company.	Borderland	831	Thacker	245	225	210	205	190	200	170	165
Rowe, Roland (Feds Creek Coal Company).	Feds Creek	795	Clintwood	255	235	230	230	210	220	185	180

[F. R. Doc. 41-7289; Filed, September 30, 1941; 10:10 a. m.]

[Dockets Nos. A-396, A-401 and A-424]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 90, 91, AND 92 NOT HERETOFORE CLASSIFIED AND PRICED, AND IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

This consolidated proceeding was instituted by three petitions filed by the Bituminous Coal Producers' Board for District No. 9, ("District Board") with the Bituminous Coal Division, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. In its petitions the Board in substance proposed price classifications and minimum prices for the coals of certain mines in District No. 9 not theretofore so classified and priced, and prayed that orders be issued by the Director, granting relief, both temporary and final, in the matters.

On December 8, 1940, 5 F.R. 4962, the Director issued an Order in Docket No. A-396, and on December 13, 1940, 5 F.R. 5136, issued an Order in Dockets Nos. A-401 and A-424, granting, with some exceptions,[1] the temporary relief requested by the Board, pending final disposition of the petitions, and temporarily establishing the price classifications and minimum prices proposed by the Board, in the manner set forth in the Temporary Supplements annexed to and made a part of said Orders. No petitions of intervention were filed. Thereafter, on December 18, 1940, the Director issued an Order consolidating Dockets Nos. A-396, A-401, and A-424[2] for the purpose of hearing.

Pursuant to notice to all interested parties, a consolidated hearing was held on January 22, 1941, before Floyd McGown, the duly designated Trial Examiner. The Division and the Board were represented by counsel and participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties.

The uncontroverted evidence introduced at the hearing shows, and the Director therefore finds, that the proposed price classifications and minimum prices recommended by the Board in its original petitions, as subsequently modified and embodied in the Temporary Supplement annexed to and made a part of the Order of the Director, dated December 8, 1940, in Docket No. A-396, and in the Temporary Supplements annexed to and made a part of the Order of the Director, dated December 13, 1940, in Dockets Nos. A-401 and A-424, were approved by the Classification and Marketing Committee of the Board after due notice to all interested parties and after consideration of all available information; that such classifications and minimum prices are in conformity with the effective minimum prices of analogous and comparable coals classified and priced in General Docket No. 15; and that the proposed prices do not adversely affect the existing intra-district and inter-district coordination. Therefore, I find and conclude that such classifications and prices should be established as the permanent classifications and prices.

Now, therefore, it is ordered, That § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplements R-I and R-II, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part thereof.

Dated: September 8, 1941.

[SEAL] H. A. GRAY, *Director.*

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R-I

Mine index No.	Code member	Mine	Seam	Freight origin group No.
90	W. A. Bailey	Bailey Operation	No. 6	10
92	Clark & Elliot (Cleo Clark)	Pine Ridge	No. 6	30
91	Young & Young (Chas. H. Young, Sr.)	Young Coal Company	No. 6	30

The f. o. b. mine prices for coal shipped by Young & Young (Chas. H. Young, Sr.), Young Coal Company mine; Clark & Elliot (Cleo Clark), Pine Ridge mine; W. A. Bailey, Bailey Operation mine to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

§ 329.5 *Alphabetical list of code members*—Supplement R-II

Mine index No.	Code member	Mine	Seam	Freight origin group No.
93	Bailey Coal Company	Bailey-Strip	Stray	10
461	Frederick & Cole	"F" & "C"	No. 9	30

The f. o. b. mine prices for coal shipped by Bailey Coal Company, Bailey-Strip mine; Frederick & Cole, "F" & "C" mine to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[1] These exceptions consisted of certain producers for whose mines price classifications and minimum prices were proposed by the Board, but for which price classifications and minimum prices had already been established.

[2] This Order also consolidated a matter entitled Docket No. A-286. Subsequently, however, this matter was dismissed without prejudice, by Order of the Director dated January 15, 1941, upon a motion filed by the original petitioner in the matter.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index, name	Mine index No.	Mine	Seam	Prices and size group Nos.																	
				1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
Burkhead, Ray	808	Mathew Lawrence		235	225	215	175	170	160	160	150	140	110	50						120	115
Elms, Burley	775	Burley	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Elms, W. H	776	W. H. Elms	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Hunt, Clyde	777	Clyde Hunt	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Johnson, G. M	761	Ellsworth	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Keown & West	817	Ellis #4	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
McCormick, Goldie	769	Goldie McCormick	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
La Mar, C. W	762	La Mar	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Romans, Leo	816	Leo Romans	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Romans, Lonnie	800	Cardwell "S"	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Snodgrass & Snodgrass	779	Oller	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Smith, G. L	778	G. L. Smith	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Shaver, Omer	772	Shaver	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
West & Cardwell (L. T. Cardwell)	764	West	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Wilson, J. D	766	Wilson	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
DAVIESS COUNTY																					
Burch, Robert O	799	Chancellor	#9	235	225	215	175	170	160	160	150	140	110	50						120	115
Burnett, Ross	798	Ross Burnett	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Lanham, Joe	795	Lanham	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Lott Brothers	794	Lott Brothers	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Lott, Ernest	793	Lott	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Mayfield, Xavier	790	Mayfield	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Nix, Henry	792	Nix	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne & Phillips (Lee Phillips)	825	Payne & Phillips	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne, Ernest L	789	Ivo Coomes	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne, Nace	788	Nace Payne	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne, Oliver	787	Oliver	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne, Raymond	770	Horseman	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Rhodes, T. D	771	T. D. Rhodes	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Waltrip & Sons (M. H. Waltrip)	823	Waltrip	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
White, Foda	824	White Hill	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
HENDERSON COUNTY																					
Hazelwood Brothers	796	Hazelwood	#9	235	225	215	175	170	160	160	150	140	110	50						120	115
HOPKINS COUNTY																					
Halfacer, Franklin	807	Halfacer	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Harvey, Orvil	820	Harvey	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Long & Almon	805	L & A	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Pace & Wright	803	Pace	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Watson Brothers (Frank Watson)	773	Watson	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Wilson, C. C	802	Wilson	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
M'LEAN COUNTY																					
Drake, Taylor & Drake	815	Drake	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Hinton, Byron W	803	do	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Jennings, Delbert	812	Bartley	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
Mitchell, William W	804	W. W	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Tucker, Leslie	814	Tucker	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
MUHLENBERG COUNTY																					
Danner Brothers (Harlan D. Danner)	768	Danner	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
House Brothers (Cecil House)	760	House	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Frow & Williams	784	P & W	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
Revelette, W. F	818	Revelette	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Robinson, C. E	819	Robinson	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
West, Nanny & Thompson (Luther Nanny)	774	W. N. & T	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Whitmer, Chandler & Ragland	780	Wilkins	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Wilkerson, C. W	765	Wilkerson	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
OHIO COUNTY																					
Bailey Coal Company	93	Bailey Strip	Stray	205	195	185	175	170	160	160	150	140	110	50	155	150	145	135	105	120	115
Daugherty, Ronnie L	759	Daugherty	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
Edge & Edge	791	Howard	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Edge, Paul	822	Edge	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Evans, Thomas	821	Squire Thomas	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Grover & Farmer	797	Kelley	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Hudnall, William	707	Daniel		205	195	185	175	170	160	160	150	140	110	50						120	115
Payton & Basham	786	Williams	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Sheppard & Suthard	785	T. Taylor	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Shoulders, Melvin	763	Shoulders	#9	205	195	185	175	170	160	160	150	140	110	50						120	115

[F. R. Doc. 41-7284; Filed, September 30, 1941; 10:08 a. m.]

[Dockets Nos. A-827, A-834, A-838, A-843, A-844 and A-865]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR RAIL SHIPMENT

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9, for rail shipment; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 5, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member index name	Mine	Seam	Freight origin group No.
[1] 550	Barger, Allen	Barger	No. 9	10
[1] 282	Bivens, C. C	Bivens	No. 11	40
[1] 647	Blakely, Charlie & Arthur Edwards	B. & E	No. 11	40
[1] 672	Brown Bros. (Cecil Brown)	Brown	No. 11	40
[1] 724	Casteel & Gipon (L. W. Casteel)	C. & G	No. 11	40
[1] 360	Courtney, B. R	Courtney	No. 9	10
[1] 556	Cundiff, G. C	G. C. Cundiff	No. 11	30
[1] 292	Ezell, E. W	Morton	No. 9	30
[1] 782	Gamblin, Elmer & Douglas	Gamblin	No. 11	40
[1] 309	Gibson & Trader (Virgil Gibson)	Hankins	No. 9	50
[1] 631	Harmon & Trader (R. M. Harmon)	McDonald	No. 6	50
[1] 555	Hinton & McKinney Coal Co. (U. E. Hinton)	H. & M	No. 9	30
[1] 857	Kelley, Roy	Thompson	No. 11	30
[1] 641	Knight Coal Co., B. F	Stewart	No. 11	10
[1] 514	Langford, Charlie	Langford	No. 9	60

§ 329.5 *Alphabetical list of code members*—Supplement R—Continued

Mine index No.	Code member index name	Mine	Seam	Freight origin group No.
[1] 308	Lucas, Lawson	Lucas	No. 11	50
[1] 459	Montezuma Coal Co	Montezuma	No. 6	50
[1] 397	Moore, Marshall	Evitts	No. 11	40
[1] 382	Perry, R	Perry	No. 11	10
[1] 728	Pointer Brothers (Frank Pointer)	Pointer	No. 14	40
[1] 862	Stewart, Dee	Stewart	No. 9	10
[1] 328	Stokes, Noble	Cummins	No. 9	30
[1] 399	Turner, Melvin & Denzel	Gibbs	No. 9	10
[1] 367	Tyson Coal Co., Howard	Tyson	No. 9	40
[1] 649	Tyson, R. T	Tyson	No. 9	80
[1] 359	Walton, Percy	Walton	No. 11	40
[1] 401	Webb, Eddie Mae (Mrs.)	Webb & Knight	No. 9	10
[1] 319	Williams, J. T	Clear Creek	No. 11	50
[2] 590	Bowman, C. H	Ben Davis	No. 9	90
[2] 283	Blanchard & Sons, J. J	Blanchard	Stray	30
[2] 605	Cox, W. R	Cox	No. 9	10
[2] 637	Dukes, Elmer	Dukes	No. 9	10
[2] 339	Dwire, Buck	Fox Hollow	No. 9	90
[2] 384	Ewing & Son (W. T. Ewing)	Proctor & Ewing	No. 9	40
[2] 646	Harris, Henry	Harris	No. 9	10
[2] 342	Howell, Edgar	Wood	No. 9	90
[2] 370	Jarvis Brothers	Mercer	No. 9	10
[2] 375	Jernigan, O. S	Jernigan	No. 11	40
[2] 378	Knight, Hubert	Knight	No. 9	30
[2] 720	Knight, W. L	W. L. Knight	No. 9	30
[2] 871	Lovan & Dixon (James R. Lovan)	Kirkwood	No. 9	40
[2] 642	M. J. & B. Coal Co. (Alma Mercer)	M. J. B	No. 9	10
[2] 317	Offutt, Audie	Offutt	No. 11	40
[2] 517	Payne, John T. (Mrs.)	Payne	No. 9	60
[2] 345	Penrod, O. C	Penrod	No. 9	100
[2] 571	Penrod & Knight (William Penrod)	Penrod & Knight	No. 11	10
[2] 322	Ratliff Brothers (Arthur & Lucian Ratliff)	Lone Pine	No. 9	40
[2] 819	Robinson, C. E	Robinson	No. 9	30
[2] 324	Robinson, R. E	Robinson	No. 6	10
[2] 661	Shutt & McLemore Coal Co. (Floyd Shutt)	S. & M	No. 9	30
[2] 894	Sharber & Joselyn (W. E. Sharber)	S. & J	No. 9	40
[2] 333	Williams, John	Beech Hollow	No. 9	30
[2] 547	Wilson & Adams (John W. Wilson)	Wilson & Adams	No. 11	40
[2] 334	Winstead, I. E	Martin	No. 11	40
[2] 522	Frey, George	Wood Coal Co	No. 9	60
[2] 870	Woods & Grayson	Woods & Grayson	No. 9	10
[2] 335	Workman & Dunn (Frank Dunn)	Workman & Dunn	No. 9	30
[3] 230	Green River Coal Mine (L. A. Lovejoy)	Green River	Stray	30
[4] 268	Hopper & Vandiver (Frankie Vandiver)	H. & V	No. 11	30
[4] 518	Reynolds, Aaron	Aaron Reynolds	No. 9	110
[4] 388	Richardson, B. W	Isbell	No. 9	10
[4] 396	Sullivan, J. E	Sullivan	No. 11	30
[4] 682	Wathen, S. S. (S. S. Wathen Coal Co.)	S. S. Wathen	No. 9	120
[4] 349	Wood, Marvin	Priest	No. 9	130
[5] 485	Bashan, Joyce	Bashan	Stray	30
[5] 500	Doss, J. E	Moore	Stray	30
[5] 643	Keown, Arthur	Ellis #4	Stray	30
[5] 228	Melton, T. C	Ellis #3	Stray	30
[5] 744	Smith, Hiram N	Hiram Smith	Stray	30
[6] 640	Austin & Leachman (E. F. Austin)	Austin & Leachman	No. 9	140
[6] 352	Beadnell, G. C	G. C. Beadnell	No. 9	30
[6] 373	Bivin & Hollman (C. W. Bivin)	B. & H	No. 11	10
[6] 669	Bratcher, Getta	J. R. Campbell	No. 9	90
[6] 289	Coates, M. P	Coates	No. 11	40
[6] 593	Davis, Ben	Daniel	No. 9	90
[6] 746	Dockins Brothers	Dockins	No. 9	30
[6] 585	Higgs, R. E	Higgs	No. 11	40
[6] 343	Jarvis, Wm. H	Jarvis	No. 9	90
[6] 584	Reynolds, R. W	Reynolds	No. 9	30
[6] 520	Scott, Robert	Sourbier	No. 9	150
[6] 395	Sullivan, G. C. & Marvin Maddox	Sullivan & Maddox	No. 9	90
[6] 400	Vincent, James W	County House	No. 9	10
[6] 658	Walker, E	Baker	No. 9	90
[6] 561	Warner Brothers (Robt. Warner)	Warner Bros	No. 11	40
[6] 347	Wood & Bowman	Harrison	No. 9	90
[7] 354	Bowles, W. H	W. H. Bowles	No. 9	10
[7] 407	Bratcher, Claude B. (Claude B. Bratcher Coal Mine)	Claude B. Bratcher	No. 9	10
[7] 410	Cooper, Cecil (Cooper Mines)	Cooper	No. 9	10
[7] 730	Cox, J. M	Cox	No. 11	30
[7] 412	Crick, W. W	Crick's	No. 14	40
[7] 411	Coy & Son, Ellis	Coy & Embry	No. 9	10
[7] 416	Embry, Newton (Embry Coal Co.)	Embry	No. 9	10
[7] 615	Hines, E. C	Scott	No. 9	10

§ 329.5 *Alphabetical list of code members*—Supplement R—Continued

Mine index No.	Code member index name	Mine	Seam	Freight origin group No.
[7] 423	Hodges, A. W. & Henry C. Martin	Martin	No. 9	10
[7] 424	Hoheimer, George	Horton	No. 9	10
[7] 425	Hopper, Elmer & Lawrence Baize	Mitchells	No. 9	10
[7] 390	Jordan & Roark (John Jordan)	J. & R	No. 11	10
[7] 314	Myers, D. M	Myers	No. 11	30
[7] 430	Nasbitt, J. C	Horton	No. 9	10
[7] 702	Oglesby, L. A	Roberta	No. 9	30
[7] 676	Parker, R. C	Bevil	No. 11	30
[7] 707	Paxton Brothers	Daniel	No. 9	10
[7] 392	Skipworth, Barney	Richardson-Skipworth	No. 11	30
[7] 614	Stewart & Sons, Herman (H. C. Stewart)	Ferguson	No. 9	40
[7] 440	Taylor, Henry	Taylor	No. 9	10
[7] 279	Walker, W. G. (Robards Coal Co.)	Robards Coal	No. 9	30
[7] 773	Watson Brothers (Frank Watson)	Watson	No. 9	40
[7] 674	Whittinghill & Whitaker (J. E. Whittinghill)	J. E. Whittinghill	No. 9	30
[8] 751	Mud River Mining Co	Mud River	No. 6	170
[9] 337	Blades & Rector	Blades & Rector	No. 9	90
[9] 875	Brown, Dallas	Brown	No. 9	50
[9] 338	Brown, Roy	Hall's	No. 9	90
[9] 433	Burden, Ira	Porter	No. 9	10
[9] 358	Doss, A. M	Doss #1	No. 11	30
[9] 284	Hall Brothers (Arthur Hall)	Gamblin	No. 9	30
[9] 624	McDowell, Owen H	Wilson	No. 6	20
[9] 344	Maddox & Baldwin	Maddox & Baldwin	No. 9	90
[9] 372	Massey & Mercer	M. & M	No. 9	10
[9] 432	Phelps, H. N	Wilkerson	No. 9	10
[9] 434	Rhoades, I. L	Deanfield	No. 9	180
[9] 785	Sheppard & Suthard	T. Taylor	No. 9	10
[9] 431	Turner, William & James	Turner & Turner	No. 9	10

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 550, 282, 647, 672, 724, 360, 556, 292, 782, 309, 631, 555, 857, 641, 514, 308, 459, 397, 382, 728, 862, 328, 399, 367, 649, 359, 401, 319 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[2] The f. o. b. mine prices for coal shipped by Mine Index Nos. 590, 283, 605, 637, 339, 384, 646, 342, 370, 375, 378, 729, 871, 642, 317, 517, 345, 571, 322, 819, 324, 661, 894, 333, 547, 334, 522, 870, 335 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[3] The f. o. b. mine prices for coal shipped by Mine Index No. 230 to any market area for any use, including Railroad Locomotive Fuel, for size group 1 to 4, Inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 29, Inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[4] The f. o. b. mine prices for coal shipped by Mine Index Nos. 298, 518, 388, 396, 682, 349 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[5] The f. o. b. mine prices for coal shipped by Mine Index Nos. 485, 500, 643, 228, 744 to any market area for any use, including Railroad Locomotive Fuel, for size group 1 to 4, Inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 29, Inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for all Shipments Except Truck.

[6] The f. o. b. mine prices for coal shipped by Mine Index Nos. 640, 352, 373, 669, 289, 593, 746, 585, 343, 584, 520, 595, 400, 658, 561, 347 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[7] The f. o. b. mine prices for coal shipped by Mine Index Nos. 354, 407, 410, 730, 412, 411, 416, 615, 423, 424, 425, 390, 314, 430, 702, 676, 707, 392, 614, 440, 279, 773, 674 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[8] The f. o. b. mine prices for coal shipped by Mine Index No. 751 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[9] The f. o. b. mine prices for coal shipped by Mine Index Nos. 337, 875, 338, 433, 358, 284, 624, 344, 372, 432, 434, 785, 431 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 41-7288; Filed, September 30, 1941; 10:10 a. m.]

[Docket No. A-914]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR RAIL SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9, for rail shipment; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 8, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Freight origin group No.
[1] 600	Dennis, F. C	Black	No. 9	10
[1] 271	Eastin, George S. (Eastin Coal Co.)	Eastin	No. 9	160
[1] 726	Jones, McPherson & Wynn (Luther Jones)	Dwyer	No. 9	30
[1] 288	Pressley, Jack	Clayton	No. 11	40
[1] 899	Turner & Coleman (Glen Turner)	Earle	No. 9	10
[1] 903	Bobbitt & Gamblin (J. A. Bobbitt)	Dovey	No. 11	40
[2] 691	Render, Elijah P. & Harvey Tichenor (Elijah P. Render).	Render & Tichenor	Stray	30
[3] 900	Gentry, Claude (Gentry Coal Co.)	Gentry #2	No. 6	10

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 600, 271, 726, 288, 899, 903 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[2] The f. o. b. mine prices for coal shipped by Mine Index No. 691 to any Market Area for any use, including Railroad Locomotive Fuel, for size group 1 to 4, Inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 29, Inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[3] The f. o. b. mine prices for coal shipped by Mine Index No. 900 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 41-7285; Filed, September 30, 1941; 10:09 a. m.]

[Docket Nos. A-248, A-370, A-407]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 NOT HERETOFORE CLASSIFIED AND PRICED

These are matters instituted by original petitions duly filed with the Bituminous Coal Division on October 28, 1940 (Docket A-248); on November 16, 1940 (Docket A-370); and, on November 25, 1940 (Docket A-407) pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 10, proposing and seeking the establishment of price classifications and minimum prices for the coals of certain mines not theretofore classified and priced.

The original petitions prayed for the issuance of temporary and final orders, pending final disposition of the petitions. By Orders of the Director, dated November 6, 1940 (Docket A-248), 5 F.R. 4487, 4488, 4489; December 7, 1940 (Docket A-370), 5 F.R. 4875; and, December 13, 1940 (Docket A-407), 5 F.R. 5158, temporary relief was granted, pending final disposition of the original petitions establishing temporary price classifications and minimum prices for the coals in question in general conformance to the petitioner's proposals.

Pursuant to the Orders of November 6, December 7, 10 and 20, 1940, a hearing in these matters[1] was duly held on December 20-21, 1940, before Thurlow G. Lewis, a duly designated Examiner of the Division at a hearing room thereof in Springfield, Illinois. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. No intervening petitions were filed and no objection to the relief requested was made at the hearing. By agreement of all parties present, the preparation and filing of the Examiner's report was waived, and the record was thereupon transmitted to the undersigned.

Uncontroverted testimony was introduced by J. R. Henderson, a representative of District Board 10, that investigation had proven that the price classifications and effective minimum prices temporarily established by the Director are correct and in conformance with the standards of the Act.

On March 24, 1941, a motion was filed by District Board 10, setting forth that additional information indicates that the classifications and effective minimum prices requested for the Buck Road Mine (Mine Index No. 1327) for truck shipment were incorrect and should be corrected as set forth in the attached schedules.

The Director accordingly finds and concludes that the establishment of such classifications and effective minimum prices as set forth in the attached Supplements effectuates the purposes of sections 4 II (a) and 4 II (b) of Bituminous Coal Act of 1937 and that the prices as set forth comply with all the standards thereof.

Now therefore, it is ordered, That commencing forthwith § 330.4 (*Price groups*) is amended by adding thereto Supplements R-I and R-II, § 330.10 (*Special Prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R-III, and § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplements T-I and T-II, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 3, 1941.

[SEAL] H. A. GRAY,
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.4 *Price groups*—Supplement R-I

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
20	Clinton County Mining Co., Inc.[1]	North	1317	20	Breese, Ill.	B. & O.
16	Muddy Coal Co. (George E. Smith).[2]	Little Muddy	85	80	Tamaroa, Ill.	I. C.
19	Washed Coal Company of Belleville.[3]	Washed Coal Co. of Belleville.	188	23	Belleville	L. & N.

§ 330.4 *Price groups*—Supplement R-II

25	D & D Coal Company [4]	D & D	672	94	Cuba, Illinois	T. P. & W.
25	Peaco Coal Co. (B. M. Peak).[5]	Peaco Coal Co	711	93	Rapatee, Illinois	M. & St. L.
26	Schaefer, Fred Jr. (Pekin Mining Co.).[6]	Pekin	819	125	Pekin, Illinois	P. & P. U.
25	Rawalt Coal Company [7]	Rawalt	716	94	Canton, Illinois	T. P. & W.
25	Sunnyside Coal Company [8]	Sunnyside	733	94	Cuba, Illinois	T. P. & W.
33	Thermal Coal Co.[9]	Thermal Coal Co	612	98	Knoxville, Illinois	C. B. & Q.

[1] The f. o. b. mine price for coals shipped by Clinton County Mining Co., Inc., North Mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for the Beckemeyer Coal Company, Beckemeyer mine, mine index No. 6, in Price Schedule No. 1 for District No. 10 for all shipments except truck.

[2] The f. o. b. mine price for coals shipped by Muddy Coal Co. (George E. Smith), Little Muddy Mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for Bailey Bros. Coal Co., Diamond mine, mine index No. 38, in Price Schedule No. 1 for District No. 10 for all shipments except truck.

[3] The f. o. b. mine price for coals shipped by Washed Coal Company of Belleville, Washed Coal Co. of Belleville mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for the Southern Coal, Coke & Mining Co., Avery #1 mine, mine index No. 3, in Price Schedule No. 1 for District No. 10 for all shipments except truck.

[4] Mine index 672 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Cuba, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 12¢ per ton.

[5] Mine index 711 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Rapatee, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 12¢ per ton.

[6] Mine index 819 shall be included in Price Group 26 and shall take the same f. o. b. mine prices as other mines in Price Group 26, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Pekin, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 24¢ per ton.

[7] Mine index 716 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Canton, Illinois. For shipments to the Cities of Peroria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 12¢ per ton.

[8] Mine index 733 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Cuba, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 12¢ per ton.

[9] Mine index 612 shall be included in Price Group 33 and shall take the same f. o. b. mine prices as other mines in Price Group 33, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Knoxville, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, there shall be no adjustments to these f. o. b. mine prices.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R-III

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
25	D & D Coal Company [1]	D & D	672	94	Cuba, Illinois	T. P. & W.
25	Peaco Coal Co. (B. M. Peak).[2]	Peaco Coal Co	711	93	Rapatee, Illinois	M. & St. L.
26	Schaefer, Fred Jr. (Pekin Mining Co.)[3]	Pekin	819	125	Pekin, Illinois	P. & P. U.
25	Rawalt Coal Company [4]	Rawalt	716	94	Canton, Illinois	T. P. & W.
25	Sunnyside Coal Company [5]	Sunnyside	733	94	Cuba, Illinois	T. P. & W.
33	Thermal Coal Co.[6]	Thermal Coal Co	612	98	Knoxville, Illinois	C. B. & Q.

[1] The railroad locomotive fuel prices shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Cuba, Illinois.
[2] The railroad locomotive fuel prices shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Rapatee, Illinois.
[3] The railroad locomotive fuel prices shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Pekin, Illinois.
[4] The railroad locomotive fuel price shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Canton, Illinois.
[5] The railroad locomotive fuel prices shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Cuba, Illinois.
[6] The railroad locomotive fuel price shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Knoxville, Illinois.

[1] By Orders of the Director dated December 10 and 13, 1940, Dockets A-248, A-370, and A-407 were consolidated for the purposes of the hearing with the following Dockets: Nos. A-194, A-209-220, A-292-294, A-311, A-332, A-344, A-395, A-457, and A-458. The latter Dockets will be disposed of in a separate report. By Order of the Director dated November 6, 1940, the matters contained in Docket A-248 were referred to Examiner Fowler and the hearing set for December 6, 1940, and by Order of the Director dated December 10, 1940, this Docket was referred to Examiner Lewis (vice Examiner Fowler) and the hearing set for December 20, 1940.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine index No.	Mine	Seam No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	34
SECTION NO. 1																																
LIVINGSTON COUNTY																																
Coalville Coal Company, The	1315	Mine No. 3		325	320	315	305	300	295	240	285	205	200	200	200	170	160	105														
Wargo, Katcher & Barry (John S. Wargo)	1342	Wargo, Katcher & Barry	7	325	320	315	305	300	295	240	285	205	200	200	200	170	160	105														
SECTION NO. 2																																
LASALLE COUNTY																																
Samolinski & Sons (Edward Samolinski)	1313	Samolinski		325	320	315	305	300	295	240	285	205	200	200	200	170	160	105														
SECTION NO. 3																																
HENRY COUNTY																																
Stone, Elmer A. (Kewanee Coal Co.)	1361			255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
KNOX COUNTY																																
Endres, James	1347	Endres	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Horkstrom Brothers (Ed. Horkstrom)	1330	Horkstrom	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
White, J. M	1332			255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION NO. 4																																
FULTON COUNTY																																
Ketcham, Sherman	1329	Ketcham	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Oldham, Sam	1357	Oldham	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
T. B. & L. Coal Co. (Thomas Sleeth)	1359	T. B. & L		255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
PEORIA COUNTY																																
Banner Block Coal Co. (Seghi Bros.)	1392	Central West	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Dilts & Son, William	1393	Kupel Coal Co	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Hunt & Co., Thomas, Sr. (Edwin D. Dempster)	1319	Hunt	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	50														
TAZEWELL COUNTY																																
Lick Creek Coal Co. (Mario M. Craciani)	1311	Lick Creek Coal Co	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION NO. 5																																
GREENE COUNTY																																
Cummins, Orval Smith	1346	Orval Cummins	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
Garrison, John	1352	Garrison	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
HANCOCK COUNTY																																
Three Counties Coal Corporation c/o F. S. Martin, Jr	1343	Augusta		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
JERSEY COUNTY																																
Geisler, Herbert	1363	No. 1		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
M'DONOUGH COUNTY																																
Frisbie, Dewey	1358	Frisbie		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
SCOTT COUNTY																																
Hepworth, John R	1355	John R. Hepworth	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
SECTION NO. 6																																
SANGAMON COUNTY																																
Wake Brothers Coal Mining Co. (Paul Wake)	1349	Wake Bros	5	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60														
SHELBY COUNTY																																
Syfert, Elmer	1341	Syfert	2	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60														
SECTION NO. 7																																
CRAWFORD COUNTY																																
Palestine Coal Corporation	1345	Palestine		240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine index No.	Mine	Seam No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	34
SECTION No. 7—Continued																																
VERMILION COUNTY																																
Dowiatt Coal Co., P. J., Jr	1362	No. 2	6	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
Harris, Granville	1321	Kistler Hill	7	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
Lind, Edw. L	1391	#3		240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
Pilkington, Clarence	1322	Lake Side	7	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
River Bank Coal Mine	1021	River Bank		240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
SECTION No. 8																																
MADISON COUNTY																																
Buck Road Coal Co. (Wm. H. Johnson)	1327	Buck Road	6	245	240	235	225	220	215	165	145	150	145	145	145	115	105	50														
Worden Coal Company (Patrick H. Scanlan)	1314	Worden Coal Co	6	220	215	210	200	195	190	165	145	150	145	145	145	115	105	50														
ST. CLAIR COUNTY																																
Washed Coal Company of Belleville	188	Washed Coal Co. of Belleville.	6	245	240	235	225	220	215	165	145	150	145	145	145	115	105	50		185	180	180	180	180	170	170	160	125	125	115		
SECTION No. 9																																
CLINTON COUNTY																																
Clinton County Mining Co., Inc	1317	North	6	225	220	215	205	200	195	165	145	150	145	145	145	115	105	50											125	115		
JACKSON COUNTY																																
Crain, Don (Don Crain Coal Co.)	1, 344	Don Crain	2	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50														
PERRY COUNTY																																
Gillis, H. G	1310	Gillis Quarry		210	205	200	190	185	180	165	145	150	145	145	145	115	105	50														
Muddy Coal Co. (George E. Smith)	85	Little Muddy	6	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50											125	115		
Nevill & Huggins (Orval Huggins)	1324	Nevill & Huggins	6	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50														
WASHINGTON COUNTY																																
Community Coal Co. (Ferd Speck)	1325	Community Coal Co	6	225	220	215	205	200	195	165	145	150	145	145	145	115	105	50														
SECTION No. 10																																
GALLATIN COUNTY																																
Barnett & Beeler (Claude Barnett)	1340	Barnett & Beeler	6	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75														
SALINE COUNTY																																
Angelly, Wm	1372	Osburn	5	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75														
Pickering & Ward (Joe Ward)	1348	Pickering & Ward	2	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75														
WILLIAMSON COUNTY																																
Carterville Coal Co. (George Tregoning)	1320	Carterville Coal Co	6	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75														

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

SECTION No. 2																																
LA SALLE COUNTY																																
Smith, Sam	1366	Star	2	325	320	315	305	300	295	240	285	205	200	200	200	170	160	105														
MARSHALL COUNTY																																
Green Coal Co. (L. E. Green)	1377	Green	7	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION No. 3																																
HENRY COUNTY																																
Yahnke, Wm. E. (Edford Coal Mine)	1339	Edford Coal #2		255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
KNOX COUNTY																																
Morse, Homer	1354	Morse		255	250	245	235	23	225	185	165	160	155	155	155	125	115	60														
MERCER COUNTY																																
Black Diamond Coal Co. (Kenneth Crummy)	1370	New Diamond	1	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II—Continued

Code member index	Mine index No.	Mine	Seam No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	34
SECTION NO. 3—Continued																																
STARK COUNTY																																
Bensyl & Grant	1399	Bensyl & Grant	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 4																																
FULTON COUNTY																																
King Hill Coal Co. (Wm. Terrell)	1398	King Hill	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
LeBar Coal Mine	1396	LeBar	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Pearl Branch Mining Co. (Rudolph Jackovich)	1379	Pearl Branch	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Stockham, Roy	1397	Stockham	2	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Vaughn and Bair	1388		2	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Williams & Bankert (Jesse Williams)	1382	Big Creek	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
PEORIA COUNTY																																
Cottonwood Coal Company (Charles Gardner)	1373	Cottonwood	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 5																																
ADAMS COUNTY																																
Liberty Coal Company (A. P. Hollembeak)	1386	Liberty Coal Co	------	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
GREENE COUNTY																																
Lawson, Charles Henry	1371	Lawson	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
M'DONOUGH COUNTY																																
Scheifley, Eugene	1364		------	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Terrill, Frank & Frennie Kellum (Frank Terrill)	1374	Featherlein #1	1	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SCHUYLER COUNTY																																
Sullivan, Walker	1381	Hill Top	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Walker, Ike	1400	Ikie's	------	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 7																																
VERMILION COUNTY																																
Pierce, E. G., Harold Cooper & Courtney Falls (E. G. Pierce)	1376	Limespring #3	------	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 8																																
MADISON COUNTY																																
Young, David	1384	Black Diamond	6	245	240	235	225	220	215	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 10																																
GALLATIN COUNTY																																
Barger Coal Company (Albert Mayhall)	1395	Barger Coal Co	6	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75	---	---	---	---	---	---	---	---	---	---	---	---	---	---
WILLIAMSON COUNTY																																
McCracken & Rodney (Thomas McCracken)	1387	McCracken & Rodney	6	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75	---	---	---	---	---	---	---	---	---	---	---	---	---	---
O. B. C. Coal Company (George Overby)	1367	O. B. C	5	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 41–7281; Filed, September 30, 1941; 10:06 a. m.]

[Docket No. A-883]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF CERTAIN MINES IN DISTRICT 13

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 13, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests a revision in the effective minimum prices established for the coals of certain code member producers in District 13.

Pursuant to an Order of the Director, and after notice to all interested persons, a hearing was held in this matter on July 22, 1941, before Charles S. Mitchell, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, Washington, D. C.[1] All interested persons were afforded an opportunity to be present and participate fully in the hearing. Only petitioner appeared at the hearing. The preparation and filing of a report by the Examiner were waived and the record thereupon was submitted to the undersigned who has considered the record in this matter.

The petition of District Board 13 herein requests a revision in the effective minimum prices established for certain coals produced at eight relatively small mines in District 13. These mines do not have rail connections and the coals they produce for rail shipment are transported to the railroads by truck.

The evidence shows that when minimum prices were originally proposed for the coals of Mine Index Nos. 20, 568, 683, 624, and 1164, the District Board either did not have accurate information as to the exact geographical location of the mines or made certain clerical errors in its proposal; that as a result, minimum prices were established which are not in proper coordination with the minimum prices established for other competing coals. It appears from the evidence that the prices requested by the petitioner for the coals of these mines will effect the proper coordination.

An informal request was made at the hearing by the witness for the District Board to have the relief extended to certain sizes of coal produced at some of the above-mentioned mines, for which price changes were not requested in the original petition. The record shows, however, that the producers which would be affected by such changes were not formally notified in advance that such a request would be made at the hearing, and for that reason, I find that the relief should be granted only to the extent prayed for in the original petition.

With respect to the prices shown in the schedule herein for the coals of the Sheelor No. 1 Mine and the Nickel Plate No. 2 Mine, a witness for the District Board testified that these two mines are producing in the Nickel Plate Seam, but that their coals are sold in competition with coals produced in the same vicinity from the Pratt Seam; that the price originally established for the coals of the two mines in question were 20 cents per ton lower than the prices established for the coals produced from the Pratt Seam. The witness stated that after the District Board had given further consideration to these prices it felt that they were improperly coordinated with the Pratt Seam coals; that they should be revised so as to be only 5 cents per ton lower in Size Groups 13 and 23, and 10 cents per ton lower in Size Group 1, than the prices established for the Pratt Seam coals in those size groups.[1] The prices proposed herein will effect those differentials. The witness stated that the smaller sizes produced at the Sheelor No. 1 Mine and at the Nickel Plate #2 Mine, though soft and friable, contain less ash than the Pratt Seam coals. He stated that the lump sizes produced at the two mines in question are harder and better suited for the domestic market than those sizes produced from the Pratt Seam, although the latter coals contain less ash. It was the opinion of the witness that these factors, as well as the competitive history of the coals, require the establishment of the prices requested. The witness stated that neither of the producers have objected to the establishment of those prices.

The petition also requests that there be deleted from the District 13 Price Schedule, the prices of $2.80 and $2.70 established for the coal in Size Groups 17 and 18 produced at the Freeman Mine (Mine Index No. 249) of the Freeman Coal Company. It states that these coals are properly priced in the schedule at $2.85 and $2.75 respectively, for Size Groups 17 and 18. The records of the Division disclose that the latter prices are the only ones now effective for those coals, and I, therefore, find that this request in the petition must be denied.

Upon the basis of all the evidence, I find and conclude: (1) that the minimum price shown in the schedule hereto attached for the coals specified therein are proper and should be established; that said prices are properly coordinated with the prices established for comparable coals in District 13, and will preserve fair competitive opportunities for the producers affected thereby; and (2) that such amendment of the price schedule for District 13 is required in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 333.6 (*General prices*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That the requests of the petitioner in all other respects be and they hereby are denied.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[1] By Order of the Acting Director dated July 12, 1941, the hearing originally scheduled for July 16, 1941, was postponed to July 22, 1941.

[1] The Order of November 26, 1940, 5 F.R. 4828, granting temporary relief in Docket A-171 increased the prices established for the Nicket Plate #2 Mine coals to the same level as the prices established for the Pratt Seam coals.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict No.	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
371	Sheelor, Ed	Sheelor No. 1 [1]	1	Nickel Plate	50
383	Tombrello Coal Company (Sam Tombrello)	Nickel Plate No. 2 [1]	1	Nickel Plate	50
	MARION COUNTY, ALA.				
20	Eldridge Coal Company, Inc	Eldridge [2]	1	Black Creek	101

[1] The prices for these mines shall be revised as follows:
These mines shall have a price in size group 1 on all price tables, 10¢ under the price listed for mine with Index Number 71.
These mines shall have a price in size groups 13 and 23 on all price tables, 5¢ under the prices listed for mine with Index Number 71.

[2] The prices for this mine shall be revised as follows:
This mine shall have a price in size groups 13 and 19 on all price tables, 10¢ higher than the prices listed for mine with Index Number 14.
This mine shall have the same prices in size groups 22 and 23 on all price tables as listed in size groups 17 and 18, respectively, for mine with Index Number 14.

§ 333.6 *General prices*—Supplement R—Continued

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict No.	Seam	Freight origin group
	MARION COUNTY, ALA.—continued				
1164	Wheeler, R. G.	Wheeler Strip [3]	1	Black Creek	101
	WALKER COUNTY, ALA.				
568	Bonner Coal Company (Geo. F. Bonner)	Bonners [4]	1	Black Creek	101
624	McGough & Co., J. Tom	McGough [5]	1	Black Creek	113
	WINSTON COUNTY, ALA.				
683	McCullar, J. A.	Millstone #8 [6]	1	Black Creek	

[3] The prices for this mine shall be revised as follows:
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

[4] The prices for this mine shall be revised as follows:
This mine shall have a price in size groups 7, 11, 22, and 23 on all price tables, 10¢ under the prices listed in size groups 6, 10, 17, and 18, respectively, for mine with Index Number 14.
This mine shall have the same price in size group 19 on all price tables as listed for mine with Index Number 14.
This mine shall have the same prices in size groups 20 and 21 on all price tables as listed in size group 19 for mine with Index Number 14.

[5] The prices for this mine shall be revised as follows:
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 14.

[6] The prices for this mine shall be revised as follows:
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 14.

[F. R. Doc. 41-7286; Filed, September 30, 1941; 10:09 a. m.]

[Docket No. A-970]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for rail shipment and for truck shipment for the coals produced at the mines of certain code members in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 324.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 6, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Frt. origin grp. No.	Price classification by size group																		
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
516	Biansat, Elmer		2	14			A			H	H	H						B				I		
524	C. W. K. Coal Co. (C. F. Camp)	No. 12	6	15			D											B				Q		
527	Dane-Poteau Smokeless Coal Co.	Dane-Poteau Smokeless No. 1.	8	21				F		G	G	G	G	H	E		D	B	B	B	A	E		
521	Hygrade Coal Company (T. F. Grayston, Jr.)	No. 1	7	12			D											B				Q		
523	Rees Coal Company, Inc., Paul	No. 2	7	12			D											B				Q		
97	Sharp Coal Company (J. A. Sharp)	Sharp	5	16			F											B				Q	A	
525	Sugar Loaf Coal Company (T. E. Roberts)	No. 1	5	22			E											B				Q	A	
522	Vencill, Grover	Vencill	5	16			F											B				Q	A	

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	County	Subdistrict No.	Prices and size group Nos.																		
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Blansat, Elmer	516		Franklin	2	----	-------	425	------	-----	425	425	425	-----	-----	-----	-----	-----	135	-----	-----	-----	350	-----	-----
C. W. K. Coal Co. (C. F. Camp)	524	No. 12	LeFlore	6	----	-------	370	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	135	-----	-----	-----	270	-----	-----
Dane-Poteau Smokeless Coal Co	527	Dane-Poteau Smokeless No. 1.	LeFlore	8	----	-------	------	430	-----	430	430	430	405	360	365	-----	200	135	115	105	185	390	-----	-----
Hygrade Coal Company (T. F. Grayston, Jr.)	521	No. 1	LeFlore	7	----	-------	370	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	135	-----	-----	-----	270	-----	-----
Rees Coal Company, Inc., Paul	523	No. 2	LeFlore	7	----	-------	370	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	135	-----	-----	-----	270	-----	-----
Sharp Coal Company (J. A. Sharp)	97	Sharp	Sebastian	5	----	-------	335	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	135	-----	-----	-----	270	165	-----
Sugar Loaf Coal Company (T. E. Roberts)	525	No. 1	Sebastian	5	----	-------	355	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	135	-----	-----	-----	270	165	-----
Vencill, Grover	522	Vencill	Sebastian	5	----	-------	335	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	135	-----	-----	-----	270	165	-----

[F. R. Doc. 41-7282; Filed, September 30, 1941; 10:06 a. m.]

[Docket No. A-993]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 6, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine index No.	Code member	Mine name	Prod. group No.	Freight origin group No.	Price classification by size group														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1464	Windsor Coal Company, Inc.	New Castle	2	30	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

A is Market Area list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Prod. group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Arthur Co-op. Coal Co	1461	Mine #2	2	Vernon, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Blunt, Clyde	1454	Blunt	3	Macon, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Galbraith, M. D	1462	Galbraith #2	2	Linn, Kans	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Gordon & Fogler (Earl Gordon)	1455	Duck & Dodge	1	Cherokee, Kans	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Harris, J. D	1448	Busy Bee	3	Boone, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Leake, James Lloyd	1457	Lloyd Leake	3	Ralls, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
McCormick, John	1449	Pioneer	3	Randolph, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Peters Coal Co. (Matt Peters)	1458	No. 1	9	Coal, Okla	435	435	435	385	------	335	------	210	295	165	------	------	------	140	------
Schirard, A. N	1463	Schirard #2	2	Linn, Kans	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Thomas, Chas. F	1456	Thomas	3	Macon, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Windsor Coal Co., Inc	1464	New Castle	2	Henry, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Zollicker, E. G	1459	Zollicker	2	Johnson, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35

NOTE: Prices shown for Production Groups Nos. 2 and 3 in Size Groups Nos. 5, 6, 7, 8 and 10 are for washed coal; when these sizes are unwashed they may be sold for 10¢ *less* than the prices shown.

[F. R. Doc. 41-7291; Filed, September 30, 1941; 10:11 a. m.]

[Docket No. A-84]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR REDUCTION IN CLASSIFICATION OF CERTAIN COALS PRODUCED BY CEDAR GROVE COLLIERIES, INC. AND KANAWHA BY-PRODUCTS COAL COMPANY

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 8 seeking temporary and final orders reducing the price classifications for coals in certain size groups produced at the Cedar Grove Mine (Mine Index No. 96) of the Cedar Grove Collieries, Inc. and the Monarch Mine (Mine Index No. 338) of the Kanawha By-Products Coal Company;

An order granting temporary relief and conditionally providing for final relief having been issued by the Director establishing temporary price classifications for coals in Size Groups 1–4 and 18–21;

A petition of intervention having thereafter been filed by District Board in opposition to the relief requested;

A hearing having been held before a duly designated Examiner of the Division at a hearing room of the Division, Washington, D. C.; the parties to this proceeding having waived the preparation and filing of a report by the Examiner;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

It is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District 8 for All Shipments Except Truck be and it is hereby amended, as follows: Commencing forthwith coals of the Cedar Grove Mine (Mine Index No. 96) of the Cedar Grove Collieries, Inc. and the Monarch Mine (Mine Index No. 338) of the Kanawha By-Products Coal Company, Inc. be classified as "O" in Size Groups 1–4, "D" in Size Groups 11–14, and "G" in Size Groups 18–21 for all destinations other than Great Lakes; and be classified "O" in Size Groups 1 and 2, "N" in Size Groups 3 and 4, "D" in Size Groups 11–14 and "G" in Size Groups 18–21 for Great Lakes cargo only.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-7335; Filed, October 1, 1941; 10:49 a. m.]

[Docket No. A-85]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR RECLASSIFICATIONS OF CAMBRIA COAL COMPANY

This proceeding, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been instituted upon a petition filed with the Bituminous Coal Division by District Board 8, seeking a reclassification for the coals in Size Group 22 produced by the Cambria Coal Company at its Royal Mine (Mine Index No. 419) for shipment into all market areas;

Following the issuance of temporary relief in this matter, District Board 2 having filed a petition opposing the relief granted; thereupon an order having been entered directing that a hearing be held in this matter;

A hearing having been held on January 21, 1941, before Edward J. Hayes, a duly designated Examiner for the Division at a hearing room of the Division in Washington, D. C.; at the hearing all parties having been given an opportunity to participate fully in the hearing; appearances on behalf of petitioner, District Board 2, and Island Creek Coal Company having been entered; all parties having waived an Examiner's report;

The undersigned having made and entered Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter;

Now, therefore, it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District 8 for All Ship-

ments Except Truck be and it hereby is amended as follows: Commencing forthwith, the effective price classification in Size Group 22 for the coals produced at the Royal Mine (Mine Index No. 419) of the Cambria Coal Company be reduced from "L" to "N" for shipment to all destinations.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7334; Filed, October 1, 1941; 10:48 a. m.]

[Dockets Nos. A-229, A-301, A-225]

PART 328—MINIMUM PRICE SCHEDULE DISTRICT NO. 8

ORDER CONCERNING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR CHANGE IN CLASSIFICATION OF SIZE GROUPS 1 THROUGH 9, AND 11 THROUGH 21 COALS PRODUCED BY NEW LONG RIDGE COAL COMPANY, INC., AND SIZE GROUPS 11 THROUGH 14, AND 15 THROUGH 17 COALS PRODUCED BY EXCELSIOR MINING COMPANY; OF WHIPPLE COALS, INC., FOR CHANGE IN CLASSIFICATION IN SIZE GROUPS 1 THROUGH 9, AND 15 THROUGH 21; AND OF DISTRICT BOARD 8 FOR A PERMANENT ORDER CHANGING THE CLASSIFICATION OF SIZE GROUPS 18 TO 21 COALS PRODUCED BY WEBB COAL MINING COMPANY, A CODE MEMBER OF DISTRICT 8, FOR ALL SHIPMENTS EXCEPT TRUCK TO ALL MARKET AREAS

Original petitions in the above matters having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act, by District Board 8, in Docket No. A-225 and Docket No. A-229, by Whipple Coals, Inc., a code member in District 8, in Docket No. A-301; these several petitions seeking lower minimum price classifications in given size groups for Mine Index Nos. 298, 1563, 168 and 485;

Temporary relief in these matters having been granted by Orders dated November 30, 1940 5 F.R. 4778 and March 19, 1941, 6 F.R. 1556 in Docket No. A-229 in the case of Mine Index Nos. 298, 1563, and 168, and having been denied by Order dated February 19, 1941 6 F.R. 1091 in the case of Docket No. A-225 concerning the coals of Mine Index No. 485;

A hearing having been held before an Examiner of the Division on January 22, 1941, at the Mayflower Hotel, Washington, D. C., and subsequent to the hearing, written waivers of the Examiner's report having been submitted by all parties;

The Director having made Findings of Fact and Conclusions of Law in these matters, which are filed herewith:

It is ordered, That, § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended as follows: commencing forthwith the minimum price classifications set forth below are established as the effective minimum price classifications for the coals specified:

For All Shipments Except Truck and Great Lakes Cargo

Size groups	1-4	5-6	7	8	9	11-14	15-17	18-21
New Long Ridge Coal Co., Mine Index No. 198	R	M	L	K	J	H	G	O
Excelsior Mining Co., Mine Index No. 1563	R	M	L	K	J	H	G	M
Whipple Coals, Inc., Mine Index No. 168	R	M	L	K	J	H	G	O

It is further ordered, That the prayer for relief in the petition herein of Webb Coal Mining Company (Docket No. A-225) be and the same hereby is denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7332; Filed, October 1, 1941; 10:48 a. m.]

[Docket No. A-264]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 18 FOR MODIFICATION OF THE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 18

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on October 29, 1940, by District Board 18, seeking a change in the maximum bottom screen opening in Size Group 4 in the Schedule of Effective Minimum Prices for District 18 for All Shipments, from 1½" to 2"; and seeking the establishment of price classifications and minimum prices for certain coals in District 18 not theretofore classified and priced;

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Denver, Colorado;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law in this matter and having rendered an Opinion, which are filed herewith:

Now, therefore, it is ordered, That § 338.4 (*Size group table*), § 338.5 (*General prices; minimum prices for shipment via rail transportation*), and § 338.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District 18 For All Shipments be, and the same hereby is, amended as follows:

§ 338.4 The maximum bottom screen opening for Size Group No. 4 shall be 2" instead of 1½".

§§ 338.5 and 338.21 The size description for Size Group No. 4 shall read 8" x 2" instead of 8" x 1½".

§ 338.5 Insert the following prices for Sub-District No. 1—Gallup for shipment into Market Areas 226-232, 236 and 241:

Size groups 7, 325; 9, 240; 13, 130.

§ 338.5 Insert the following prices for Sub-District No. 2—Cerrillos for Market Areas 226-232, 236 and 241:

Size group 15, 325.

§ 338.5 Insert the following prices for Sub-District No. 2—Cerillos—for Market Areas 227, 229, 232 and 236:

Size group 2, 450.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7333; Filed, October 1, 1941; 10:48 a. m.]

[Docket No. A-921]

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 20 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN MINES IN DISTRICT NO. 20

In Supplement T-I [§ 340.4 (*Code member price index*)] attached to and made a part of the Order of July 30, 1941, 6 F.R. 3984, herein establishing minimum prices for certain mines in District No. 20, the Mine Index Number assigned to the McGowan Mine of Terry McGowan (McGowan Coal Company) is shown as 23. The correct Mine Index Number for this mine is 28.

It is therefore ordered, That Mine Index No. 23, now shown in Supplement T-I attached to and made a part of the Order of July 30, 1941, herein as the mine index number of the McGowan Mine of Terry McGowan (McGowan Coal Company), be deleted therefrom and that Mine Index No. 28 be assigned to such mine.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7336; Filed, October 1, 1941; 10:49 a. m.]

[Docket No. A-702]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DIS-

TRICT NO. 22, AND FOR A CHANGE IN THE DESCRIPTION OF SUBDISTRICT NO. 6 OF DISTRICT NO. 22

In Supplement B [§ 342.4 (*Code member price index*)] attached to and made a part of the Order of July 25, 1941, 6 F.R. 3919, herein establishing minimum prices for certain mines in District No. 22, the Mine Index Number assigned to the Romine Mine of Dunn & Harnie (Joe Dunn) is shown as 271. The correct Mine Index Number for this mine is 171.

It is therefore ordered, That Mine Index No. 271 now shown in Supplement B attached to and made a part of the Order of July 25, 1941, herein as the mine index number of the Romine Mine of Dunn & Harnie (Joe Dunn) be deleted therefrom and that Mine Index No. 171 be assigned to such mine.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7337; Filed, October 1, 1941; 10:49 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

EXPORT CONTROL SCHEDULE NO. 21

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Economic Defense Board, have determined that:[4]

1. Effective October 1, 1941, the forms, conversions, and derivatives of PAPER (Proclamation No. 2506) [5] shall include the following:

PAPER

Unit of quantity	Commodity description	Department of Commerce No.
	Waste paper:	
Lbs.	No. 1 mixed paper	4699.01
Lbs.	Super-mixed paper	4699.02
Lbs.	Old corrugated containers (except Kraft).	4699.03
Lbs.	Old Kraft corrugated containers.	4699.05

[1] 6 F.R. 1501.
[2] 6 F.R. 4795.
[3] 6 F.R. 4828.
[4] The numbers which follow the commodity description in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

The commodity forms, conversions, and derivatives determined in this Schedule are in addition to those appearing in the Comprehensive Export Control Schedule issued October 1, 1941, and will be incorporated in the next issue of the Comprehensive Export Control Schedule to be published November 1, 1941.

[5] 6 F.R. 4469.

PAPER

Unit of quantity	Commodity description	Department of Commerce No.
	Waste paper—*Continued:*	
Lbs.	New corrugated cuttings	4699.07
Lbs.	Box board cuttings	4699.09
Lbs.	White blank news	4699.11
Lbs.	Extra manilas	4699.13
Lbs.	New manila envelope cuttings	4699.15
Lbs.	No. 1 hard white shavings	4699.17
Lbs.	Hard white envelope cuttings	4699.19
Lbs.	No. 1 soft white shavings	4699.21
Lbs.	Fly leaf shavings	4699.23
Lbs.	No. 1 heavy books and magazines.	4699.25
Lbs.	Mixed books	4699.27
Lbs.	Overissue magazines	4699.29
Lbs.	No. 1 mixed or colored ledger	4699.31
Lbs.	No. 1 white ledger	4699.33
Lbs.	No. 1 assorted Kraft (old Kraft)	4699.35
Lbs.	New 100% Kraft cuttings	4699.37
Lbs.	New 100% Kraft corrugated cuttings.	4699.39
Lbs.	Other waste paper	4699.58
Lbs.	Other paper stock (Report overissue and old newspapers in 4722).	4699.98
	Overissue and old newspapers:	
Lbs.	No. 1 baled news	4722.03
Lbs.	Overissue news	4722.05
Lbs.	Other	4722.98

MILO PERKINS,
Executive Director,
Economic Defense Board.

OCTOBER 1, 1941.

[F. R. Doc. 41-7341; Filed, October 1, 1941; 11:40 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 927—PRIMARY NICKEL

General Preference Order No. M-6-a To Conserve the Supply and Direct the Distribution of Primary Nickel

Whereas the national defense requirements have created a shortage of nickel, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to continue to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 927.2 *General preference order M-6-a*—(a) *Definitions.* For the purposes of—this Order:

(1) "Nickel" means any primary metallic nickel either alloyed or unalloyed or nickel matte of any description.

(2) "Producer" means any person who produces nickel as above defined.

(3) "Distributor" means any person who procures nickel either by importing or from domestic sources for resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Regulations incorporated.* Except as otherwise specifically provided herein, all of the provisions and definitions of Priorities regulation No. 1,[1] issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Assignment of preference rating to certain defense orders.* Deliveries of Nickel under all Defense Orders (as defined in Regulation No. 1) to which a preference rating of A-10 or higher has not been specifically assigned are hereby assigned a preference rating of A-10.

(d) *Restrictions on deliveries.*—(1) *Forms.* Any person seeking delivery of Nickel from a producer or distributor shall file with the Division of Priorities and with the producer or distributor in the manner indicated thereon not later than the 20th day of the month next preceding the month in which delivery is specified, Form PD-27 heretofore prescribed by the Division of Priorities, or such other form or forms as may be prescribed by said Division from time to time. The Director of Priorities may in his discretion from time to time issue specific directions exempting particular customers or classes of customers from the provisions of this paragraph (d) (1) on the basis of the limited character of their requirements for nickel.

(2) *Allocations.* No deliveries of nickel may be made by any producer or distributor except as specifically authorized by the Director of Priorities. The Director of Priorities will from time to time allocate the supply of nickel among persons seeking delivery thereof, and specifically direct the manner and quantities in which deliveries may be made. Such allocations and directions will be made primarily to insure satisfaction of defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(e) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of nickel, or of any other material subject to allocation, or he may be subjected to any other or further action as the Director may deem appropriate.

(f) *Revocation of general preference order M-6.* General Preference Order M-6,[1] issued by the Director of Priorities May 15, 1941, is hereby revoked.

(g) *Effective date.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of March 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596,

[1] 6 F.R. 4489.

[1] 6 F.R. 2461.

as amended September 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session).

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7313; Filed, September 30, 1941; 1:12 p. m.]

PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT

General Preference Order No. M-8-a To Direct the Use and Distribution of Cork and Products and Materials of Which Cork Is a Component

Whereas it is found that the present and increasing future demand for raw cork in the United States and the uncertainty of future shipments from abroad continue seriously to threaten the requirements of the National Defense Program for cork and products and materials of which cork is a component, and it is further found that the fulfilment of requirements for the defense of the United States will result in a shortage in the supply of raw cork and products and materials of which cork is a component for defense, and private account, and it is further found that this situation imperils the obtaining of priority for deliveries of such materials under present and future Army and Navy contracts and orders and related subcontracts and suborders unless the total present and future supply be conserved and the present and future use and distribution directed, and it is further found that the best interests of the national defense require the exercise of the power conferred upon me to direct and insure such priority;

It is ordered, That:

§ 932.2 *General preference order M-8-a*—(a) For the purposes of this Order:

(1) The term "cork" is hereby defined as unmanufactured cork in all forms, including cork wood, bark, waste, shavings, and refugo.

(2) The term "supplier" is hereby defined as any individual, firm, corporation, or association in the United States which engages in the importation, sale, manufacture, or processing of cork.

(b) *Regulation No. 1 incorporated.* Except as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1[1] issued by the Director of Priorities on August 27, 1941 (§§ 944.1-944.21) as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein.

(c) *Reserve established.* On and after October 1, 1941, each supplier is hereby directed to set aside his entire stock of cork and all finished and semi-finished products and materials of which cork is a component, as a reserve, for the fulfilment of present and future Defense Orders and such other orders and uses as may be authorized, from time to time, by the Director of Priorities. No deliveries or withdrawals shall be made from this reserve either for customers of such supplier or for purposes of manufacture or processing by such supplier except pursuant to specific directions heretofore or hereafter issued by the Director of Priorities. Not later than November 1 for the Month of November, 1941 and thereafter prior to the first day of each subsequent calendar month, the Director of Priorities will issue to each supplier specific directions covering deliveries by such supplier of cork and products and materials of which cork is a component which may be made by such supplier to his customers during such month, and further directing the kinds and quantities of material which may be manufactured or processed by such supplier from stocks on hand. The use, process to final product, and deliveries by such supplier shall be made as directed in such monthly allocation schedules.

(d) *Reports.* Each supplier shall certify and furnish to the Division of Priorities on or before the twentieth (20th) day of each calendar month hereafter all the information required by Schedules 1 and 2 of Form PD-29. Each supplier shall also, not later than the tenth (10th) day of each calendar month hereafter, certify and furnish to the Division of Priorities all the information required by Schedules 3 and 4 of Form PD-29.

(e) *Special limitations.* (1) Notwithstanding any general authorization for the processing or delivery of insulation board granted in any monthly allocation schedule, no supplier shall process or deliver insulation board, other than insulation board to be processed or delivered under Defense Orders or insulation board to be used for the preservation of food, except under express direction of the Director of Priorities.

(2) Notwithstanding any general authorization for the processing or delivery of finished crowns granted in any monthly allocations schedule, deliveries of finished crowns to any customer of a supplier shall be limited during each month to such quantities thereof as may be necessary to meet such customer's production of crowned bottle goods for the next succeeding month, after normal use has been made of his inventory of crowns on hand, except under express direction of the Director of Priorities.

(f) *Effective date.* This order shall take effect on the first day of October 1941; and unless sooner terminated by direction of the Director of Priorities shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended, Sept. 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7312; Filed, September 30, 1941; 1:11 p. m.]

[1] 6 F.R. 4489.

PART 933—COPPER

Supplementary Order No. M-9-b to Conserve the Supply and Direct the Distribution of Copper Scrap and Copper Base Alloy Scrap

Whereas, the national defense requirements have created a shortage of copper, as hereinafter defined, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of Scrap material whose principal ingredient is Copper or Copper Base Alloy;

Now therefore, it is hereby ordered that:

§ 933.3 *Supplementary order No. M-9-b*—(a) *Definitions.* For the purposes of the Supplementary Order:

(1) "Scrap" means all Copper or Copper Base Alloy materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescense, failure or other reason.

(2) "Copper" means Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form (cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes) suitable for fabrication.

(3) "Copper base alloy" means any alloy in the composition of which the percentage of Copper metal by weight equals or exceeds the percentage of all other metals.

(4) "Brass mill scrap" means that Scrap which is a waste or by-product of industrial fabrication of products produced by Brass Mills.

(5) "Brass mill" means one which rolls, draws or extrudes castings made in its own plant of Coper or Copper Base Alloys, or one which rolls, draws or extrudes refinery shapes of Copper or Copper Base Alloys; it does not include a Mill which re-rolls, re-draws or re-extrudes products produced from refinery shapes or castings of Copper or Copper Base Alloys.

(6) "Secondary copper" means Copper or Copper Base Alloy produced as a raw material by any process of melting Scrap.

(7) "Dealer" means any person regularly engaged in the business of buying and selling Scrap.

(8) "Foundry" means any person who melts and casts Copper and Copper Base Alloys into shapes and forms suitable for use without reforming.

(b) Deliveries of Scrap shall hereafter be made solely in accordance with the following directions:

(1) No Person shall deliver Brass Mill Scrap except to a Dealer or to a Brass Mill; no Dealer who receives delivery of Brass Mill Scrap shall in turn deliver such Scrap to any melter thereof other than a Brass Mill.

(2) No Person shall deliver Scrap other than Brass Mill Scrap except (i) to Dealers, or (ii) in cases where a preference rating of A–10 or higher has been assigned with respect to such delivery. Provided, however, between the date of this Order and November 1, 1941, a Foundry may purchase or receive delivery of Scrap to an amount in tonnage which shall not exceed the amount consumed by such Foundry during the same period of 1940. Each Foundry which between the date of this Order and November 1, 1941, purchases or receives delivery of Scrap, shall, on or before November 5, 1941, file with the Copper Branch of the Office of Production Management a report on Form PD–109, setting forth the amount of Scrap purchased or received during the period and the amount consumed during the same period of 1940.

(3) No Dealer shall hereafter melt Scrap, including Scrap on hand at the date of this Order, unless specifically authorized by the Director of Priorities.

(4) No Dealer shall hereafter accept delivery of Scrap unless (i) such Dealer shall during the preceding 60 days have sold or otherwise disposed of Scrap to an amount at least equal in weight to the Scrap Inventory of such Dealer on the date of such acceptance of delivery of Scrap, and (ii) such Dealer shall have filed with the Office of Production Management such reports as may from time to time be required by the Office of Production Management.

(c) *Toll agreement.* No Person shall hereafter deliver Scrap and no Person shall accept same for converting, remelting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement by which title remains vested in the Person delivering the Scrap or which agreement is contingent upon repurchase of processed material in any quantities equivalent or otherwise, by the Person delivering the Scrap, unless and until such an agreement shall have been approved by the Director of Priorities. Any Person desiring to have such an agreement approved must file with the Copper Branch of the Office of Production Management a statement setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of the same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the processed material is to be used, and any other pertinent data that would justify such approval.

(d) *Use of material.* Any Person who obtains delivery of Scrap in accordance with the terms of this Order shall use such Scrap, or an equivalent amount thereof, for the purpose for which the preference rating was assigned or for which the delivery was authorized.

(e) *Restriction on acceptance of castings or secondary copper.* No Person shall hereafter knowingly accept delivery of Secondary Copper or castings made therefrom, which have been obtained by melting and processing Scrap delivered to the melter or processor contrary to the provisions of this Order.

(f) *Priority control.* All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(g) *Remelting by railroads and utilities.* Nothing herein contained shall prevent a railroad or public utility company whose customary practice has been to remelt or process within its own plants, and for its own use Scrap created by its own operations or obsolescense, from continuing to do so in the manner and to the extent of its previous practice.

(h) *Application for rating.* Any Person desiring to obtain a preference rating of A–10 with respect to deliveries to him of Scrap in order to enable him to fill a particular order should make application on the usual Form FD–1, and any Person desiring to obtain a preference rating of A–10 with respect to all deliveries of Scrap to him over a period of time should make aplication by writing to the Copper Branch, Office of Production Management.

(i) *Specific directions.* The Director of Priorities may from time to time issue specific directions to any person as to the source, destination, or amount of Scrap to be delivered or acquired by such person.

(j) This order may be revoked or modified by the Director of Priorities at any time; shall take effect immediately, and, unless previously terminated, shall expire on the 31st day of December 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7310; Filed, September 30, 1941; 1:11 p. m.]

[Interpretation No. 4 of Preference Rating Order No. P–46]

PART 978—UTILITIES

Maintenance, Repair and Supplies

The following official interpretation is hereby issued by the Director of Priorities with respect to § 978.1, *Preference Rating Order No. P–46*,[1] issued September 17, 1941.

Section 978.1 permits the application of the preference rating therein assigned to deliveries of Material to Producers engaged in the depletion of natural gas pools, provided the gas produced therefrom is directly or indirectly for general use by the public. Section 978.1 does not permit the application of the preference rating therein assigned to deliveries of Material to Producers engaged in the discovery or development of natural gas pools.

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7314; Filed, September 30, 1941; 1:13 p. m.]

PART 989—MECHANICAL REFRIGERATORS

Limitation Order L–5 to Restrict the Production of Domestic Mechanical Refrigerators

Pursuant to power vested in the Director of Priorities by Regulation No. 3 Amended,[2] dated September 2, 1941, and approved by the President of the United States September 12, 1941,

It is hereby ordered, That

§ 989.1 *General limitation order L–5*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic Mechanical Refrigerator" means any refrigerator for household use which operates either by compression or by absorption.

(2) "Factory Sales" means sales of Domestic Mechanical Refrigerators from factory or branches to distributors, dealers or consumers.

(3) "Class 'A' Manufacturers" means those manufacturers of Domestic Mechanical Refrigerators the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports, was 16,000 such units or more.

(4) "Class 'B' Manufacturers" means those manufacturers of Domestic Mechanical Refrigerators, the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports, was greater than 5,000 such units but less than 16,000 such units.

(5) "Class 'C' Manufacturers" means those manufacturers of Domestic Me-

[1] 6 F.R. 4784.
[2] 6 F.R. 4865.

chanical Refrigerators, the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports, was 5,000 such units or less.

(b) *General restriction.* During the five months period from August 1 to December 31, 1941, inclusive:

(1) No Class "A" Manufacturer shall produce more Domestic Mechanical Refrigerators than the greater of the following two limits: (i) 50,400 of such Refrigerators, or (ii) five times 55% of the monthly average of his Factory Sales of such Refrigerators for the twelve months ending June 30, 1941.

(2) No Class "B" Manufacturer shall produce more Domestic Mechanical Refrigerators than the greater of the following two limits: (i) 17,750 such Refrigerators, or (ii) five times 63% of the monthly average of his Factory Sales of such Refrigerators for the twelve months ending June 30, 1941.

(3) No Class "C" Manufacturer shall produce more Domestic Mechanical Refrigerators than five times 71% of the monthly average of his Factory Sales of such Refrigerators for the twelve months ending June 30, 1941.

(c) *Avoidance of excessive inventories.* Manufacturers of Domestic Mechanical Refrigerators shall not accumulate inventories of raw materials, semiprocessed materials, finished parts, or assembled Refrigerators in quantities in excess of minimum practicable working inventories.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each Manufacturer to whom this Order applies shall on the 15th day of October, 1941, and on the 15th day of every month thereafter, file with the Electrical Appliance and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management, a report of inventories of Domestic Mechanical Refrigerators and materials entering into the production of the same, in such form as shall be prescribed by the Office of Production Management. Such report shall also include a statement of the number of mechanical refrigerators produced by such manufacturer during the preceding two months, by models. Each manufacturer to whom this Order applies shall also execute and file with the Office of Production Management such other reports and questionnaires as said Office shall from time to time request.

(g) *Provision for companies under common ownership.* For the purposes of this Order, a manufacturer's classification into Class "A", "B" or "C" shall depend upon the monthly average of Factory Sales by that manufacturer, including in the total of such sales all Factory Sales made by subsidiaries, affiliates, or by other companies or enterprises under common ownership or control.

(h) *Violations or false statements.* Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 9629, Jan. 7, 1941, 6 F.R. 191; E.O. 8629, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7311; Filed, September 30, 1941; 1:11 p. m.]

PART 994—MOTOR FUEL

Limitation Order L-8 To Limit the Distribution of Motor Fuel in the Atlantic Coast Area

Whereas shortages in the availability of transportation facilities for the distribution of petroleum and petroleum products in the Atlantic Coast Area have created a shortage in these materials for defense, private account and export; and

Whereas further shortages of petroleum products for essential transportation, power and heating purposes are threatened unless immediate steps are taken to curtail consumption of motor fuel; and

Whereas the Petroleum Coordinator for National Defense has recommended a plan for the curtailment and equitable distribution of motor fuel in the Atlantic Coast Area;

Now, therefore, it is hereby ordered, That:

§ 994.1 *General limitation order L-8*—(a) *Definitions.* For the purposes of this Order:

(1) "Person" means any individual, partnership, association, corporation or other form of enterprise.

(2) "Motor Fuel" means liquid fuel used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel as to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Primary Supplier" includes any person who produces any Motor Fuel in the Atlantic Coast Area, or imports, from any point outside the Atlantic Coast Area, any Motor Fuel, into such Area; *Provided however,* That the term shall not include that part of any person's business included in the definitions of "Secondary Supplier" and "Service Station" *and, provided further,* That the term shall not include importation of Motor Fuel by a consumer.

(4) "Secondary Supplier" includes any person who receives Motor Fuel from any Primary Supplier or other Secondary Supplier for delivery to others: *Provided however,* That the term shall not include that part of any Secondary Supplier's business included in the definition of "Service Station" and shall not include a transporter of Motor Fuel to the extent that he is engaged merely in such transportation for others.

(5) "Service Station" means any place of business or part thereof, where Motor Fuel is delivered into the fuel tanks of motor vehicles or motor boats.

(6) "Delivered" and "Deliveries" shall not include deliveries by Primary Suppliers or Secondary Suppliers directly to Federal state or local governments or deliveries by Primary Suppliers to Secondary Suppliers for direct delivery to Federal, state or local governments.

(7) "Supplement A Percentage" means the percentage figure for any state or the District of Columbia for any month, to be applied to the average monthly amount of Motor Fuel delivered during the Base Period, as set forth in Supplement A.

(8) "Supplement B Percentage" means the percentage of deliveries for the corresponding month of the preceding year, as set forth in Supplement B.

(9) "Atlantic Coast Area" means Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida east of the Apalachicola River, and the District of Columbia.

(10) "State", when applied to Florida, means Florida east of the Apalachicola River.

(11) "Base Period" means the months of May, June and July, 1941, inclusive.

(b) *Limitations on delivery of motor fuel.* (1) No Primary or Secondary Supplier shall, directly or indirectly, deliver or cause to be delivered, Motor Fuel from any point within the Atlantic Coast Area to any point in the United States outside the Atlantic Coast area.

(2) No Primary Supplier shall, directly or indirectly, deliver or cause to be delivered, in any month, in any single state, or the District of Columbia, for distribution or consumption within said state or the District of Columbia, more than the quantity of Motor Fuel represented by the Supplement A Percentage, for such month, of the average monthly amount of Motor Fuel delivered by him in said State, or the District of Columbia, during the Base Period; *Provided however*, That in each state, or the District of Columbia, in each month, Primary Suppliers whose permissible deliveries based upon Supplement A Percentage calculations exceed delivery requirements based upon Supplement B Percentage calculations shall deliver such excess, by means of sale, loan, or exchange, to Primary Suppliers whose delivery requirements based upon Supplement B Percentage calculations exceed permissible deliveries based upon Supplement A Percentage calculations. Such sales, loans and exchanges may be made, however, as between Primary Suppliers on the basis of the whole Atlantic Coast Area, rather than by physical deliveries within each particular state.

(3) No Primary or Secondary Supplier shall, directly or indirectly, deliver or cause to be delivered, in any month, in any State, or the District of Columbia, to any Secondary Supplier, Service Station or consumer of Motor Fuel, more than the quantity of Motor Fuel represented by the Supplement B Percentage, for such month, of the amount of Motor Fuel received by such Secondary Supplier, Service Station, or consumer of Motor Fuel during the corresponding month of the year preceding: *Provided, however*,

(i) The quantities delivered by any Primary or Secondary Supplier to any Secondary Supplier, Service Station, or consumer of Motor Fuel, may vary from the quantity represented by the Supplement B Percentage, for such month, of the amount of Motor Fuel received by such Secondary Supplier, Service Station, or consumer of Motor Fuel during the corresponding month of the year preceding in the following instance: To any Secondary Supplier, Service Station or consumer of Motor Fuel whose requirements in the current month are, or receipts in the corresponding month of the year preceding were affected by exceptional conditions, such as, but not limited to, subnormal or abnormal deliveries in the corresponding month of the year preceding, or unusual expansion or contraction of business of such Secondary Supplier, Service Station or consumer since the corresponding month of the preceding year. In such event Primary or Secondary Suppliers delivering Motor Fuel shall adjust quantities delivered to Secondary Suppliers, Service Stations, or consumers of Motor Fuel, upward or downward, as the case may be, to meet such exceptional conditions. A report of adjustments under this subparagraph (i), and the reasons therefor, shall be made, in duplicate, within ten days of each such adjustment, to the Office of the Petroleum Coordinator for National Defense, Department of Interior Building, Washington, D. C., which shall transmit such report, together with its recommendation thereon, to the Director of Priorities, Office of Production Management, for subsequent approval or disapproval. Primary or Secondary Suppliers making such adjustments shall not be penalized for deliveries made under any adjustments made in good faith but subsequently disapproved by the Director of Priorities, but a suitable correction for any such erroneous adjustment may be required during a subsequent month by Order of the Director of Priorities; and

(ii) The quantities delivered by any Primary or Secondary Supplier to any consumer of Motor Fuel (or to a Secondary Supplier for delivery to any consumer of Motor Fuel) may vary from the quantity represented by the Supplement B Percentage, for such month, of the amount of Motor Fuel delivered to such consumer (or to a Secondary Supplier for delivery to any consumer of Motor Fuel) during the corresponding month of the year preceding, in accordance with subdivisions (*a*) and (*b*) below:

(*a*) For any of the following uses, deliveries shall be made of all minimum necessary requirements, upon presentation of appropriate evidence to the delivering Supplier that such Motor Fuel is in fact to be so used;

The operation of motor vehicles operating pursuant to certificates of convenience and necessity issued in accordance with any Federal, State or local laws;

The operation of motor vehicles on construction projects which have received a project rating of A–10 or higher from the Office of Production Management;

The operation of agricultural machinery and equipment and motor vehicles used for agricultural purposes. Appropriate evidence of such use may include proof that such Motor Fuel is subject to any exemption from, or refund of, the state tax levied upon Motor Fuel, or on the privilege of selling such Motor Fuel.

(*b*) To any consumer, deliveries shall be made of the minimum quantity necessary for the operation of commercial vehicles, so classified by law, and actually used for the transportation of defense products or of materials or equipment necessary for the production of defense products. A report of adjustments under this subparagraph (ii) (*b*) shall be made, in duplicate, within ten days of each such adjustment to the Office of the Petroleum Coordinator for National Defense, Department of Interior Building, Washington, D. C., which shall transmit such report, together with its recommendation thereon, to the Director of Priorities, Office of Production Management, for subsequent approval or disapproval. Primary or Secondary Suppliers making such adjustments shall not be penalized for deliveries made under any adjustments made in good faith but subsequently disapproved by the Director of Priorities, but a suitable correction for any such erroneous adjustment may be required during a subsequent month by Order of the Director of Priorities.

(4) Subject to the provisions of paragraph (b) (3) hereof, every Secondary Supplier, Service Station or consumer shall be entitled to receive from Primary or Secondary Suppliers, in any month, that quantity, and no more than such quantity, of Motor Fuel represented by the Supplement B Percentage for such month of the amount of Motor Fuel delivered to him by Primary or Secondary Suppliers during the corresponding month of the year preceding. Such quantity shall be delivered, if demanded by such Secondary Supplier, Service Station or consumer, by the supplier or suppliers who delivered Motor Fuel to him during the month of September, 1941, in shares proportionate to their respective deliveries to him during such month of September, 1941. If a different Primary or Secondary Supplier shall commence deliveries to a Secondary Supplier, Service Station or consumer subsequent to September 30, 1941, such different Primary or Secondary Supplier shall be the Primary or Secondary Supplier from whom such Secondary Supplier, Service Station or consumer shall thereafter have the right to demand his appropriate quantity based upon Supplement B Percentage calculations. The right of any Secondary Supplier or consumer to demand deliveries in accordance with this subparagraph (4) shall be limited as provided in paragraph (b) (5).

(5) In the case of any Secondary Supplier or consumer who has received deliveries during the nine months, ending September 30, 1941, from more than one supplier pursuant to no regular delivery schedule, any such delivering supplier shall be obligated, upon demand, only to deliver that proportion of the quantity of Motor Fuel deliverable pursuant to Supplement B Percentage calculations which the deliveries of such supplier during such nine month period bear to the total deliveries to such Secondary Supplier or consumer from all delivering suppliers during such period.

(6) Permissible adjustments of, and variations from, the quantities delivered, based upon Supplement B Percentages, herein provided for, shall not be construed to permit any Primary Supplier to deliver, in any month, in any state or the District of Columbia, quantities of Motor Fuel in excess of the quantities of Motor Fuel represented by the appropriate Supplement A Percentage of the sum total of the average monthly amount of Motor Fuel delivered by him in said state or the District of Columbia during the Base Period, except as to such quantities of Motor Fuel as may be received by a Primary Supplier pursuant to loan, exchange or purchase, as hereinabove provided in paragraph (b) (2), hereof.

(c) *Methods of distribution.* All Primary or Secondary Suppliers shall, to the extent practicable, make deliveries in such manner as to distribute such deliveries evenly throughout each month; and all persons maintaining or operating Service Stations shall, to the extent practicable, make deliveries in such manner as to distribute such deliveries evenly throughout each day. On or before November 10, 1941, and on the tenth day of each month following, each Primary or Secondary Supplier shall file with the Office of the Petroleum Coordinator for National Defense a certification, on a form to be prescribed therefor by the Director of Priorities, that he has complied with the provisions of this paragraph during the preceding calendar month.

(d) *Preferences for certain uses by service stations.* In making deliveries of Motor Fuel, persons maintaining or operating Service Stations shall give preference to deliveries of Motor Fuel to be used, not in excess of the minimum necessary requirements, for the following purposes:

(1) The operation of vehicles and boats necessary for the public health or safety, including ambulances and vehicles operated by physicians.

(2) The operation of vehicles and boats owned or operated by Federal, State or local governments.

In making deliveries of Motor Fuel, all Primary and Secondary Suppliers and persons maintaining or operating Service Stations shall give preference to all other uses of such fuel over deliveries to be used in the operation of pleasure boats.

(e) *Reports.* All Primary Suppliers shall file the following reports with the Office of the Petroleum Coordinator for National Defense, and with the Fuel Section of the Division of Civilian Supply, Office of Production Management:

(1) By October 10, 1941, the amount of Motor Fuel delivered in each of the months of the Base Period in each state, and in the District of Columbia.

(2) Beginning with deliveries for the month of October, by the twentieth day following the end of each month, the amount of Motor Fuel delivered in each state and in the District of Columbia during the preceding month. Such reports shall state, separately, direct deliveries:

(i) To Federal, state and local governments,

(ii) To Secondary Suppliers for direct delivery to Federal, state and local governments, and

(iii) To Secondary Suppliers, Service Stations and consumers, for each of the adjustments provided in subparagraphs (i), (ii) (*a*) and (ii) (*b*) of paragraph (b) (3) hereof, separately for each class of adjustments.

In addition to the individual reports required in paragraph (b) (3) (i) and paragraph (b) (3) (ii) (*b*), and the certification required in paragraph (c) hereof, all Primary and Secondary Suppliers shall make such reports as may be requested by the Office of Production Management from time to time.

(f) *Records.* All Primary and Secondary Suppliers affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of deliveries of Motor Fuel, the dates of actual deliveries, and the parties and states, (or the District of Columbia) involved in each delivery. All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(g) *Scope of program.* This Order shall be applicable to deliveries in the Atlantic Coast Area, but shall not apply to direct deliveries to the Federal, State and local governments by Primary or Secondary Suppliers, or deliveries by Primary Suppliers to Secondary Suppliers for direct delivery to the Federal, State and local governments.

(h) *Appeal.* Any Primary Supplier, Secondary Supplier, Service Station or other person receiving Motor Fuel directly from a Primary or Secondary Supplier affected by this Order, who, after he has sought an adjustment from his Supplier pursuant to paragraph (b) (3) or (b) (4) hereof, still considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may file an appeal, by addressing a letter, in duplicate, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief, to the Petroleum Coordinator for National Defense, Department of Interior Building, Washington, D. C., who shall transmit such appeal, together with his recommendations thereon to the Director of Priorities, Office of Production Management. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Publication of percentages.* Supplement A Percentages and Supplement B Percentages applicable to any month will be issued from month to month by supplement to this Order, and the percentages for any month will be published on or before the twenty-sixth day of the month preceding.

(j) *Conflicting orders, plans and programs.* This Order supersedes all previously existing Orders, plans or programs, and interpretations thereof, including the Civilian Allocation Program issued August 15, 1941, by the Office of Price Administration and Civilian Supply.

(k) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(l) *Effective date.* This Order shall take effect on the 1st day of October, 1941, and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 30th day of September, 1941.

DONALD M. NELSON,
Director of Priorities.

Supplement A percentage and Supplement B percentage for October, 1941

States	Supplement A percentage for October, 1941	Supplement B percentage for October, 1941
Maine	84.96	93.00
New Hampshire	88.70	93.50
Vermont	93.03	96.00
Massachusetts	90.37	95.00
Rhode Island	90.27	100.50
Connecticut	88.08	94.50
New York	91.42	95.00
New Jersey	86.37	95.50
Pennsylvania	91.19	95.00
Delaware	84.48	93.50
Maryland	85.59	95.00
District of Columbia	88.64	95.00
Virginia	84.42	93.50
West Virginia	91.50	93.00
North Carolina	91.46	92.00
South Carolina	88.44	95.50
Georgia	90.60	93.50
Florida, east of the Apalachicola River	86.12	97.50

The effect of the application of the Supplement A Percentages and Supplement B Percentages is as follows:

1. In the entire Atlantic Coast Area, in each month, the deliveries of motor fuel by Primary Suppliers will be curtailed to approximately 90% of the average month for the period May to July, 1941, inclusive.

2. Over a complete cycle, if this Order continues for that period, each state included in the Atlantic Coast Area will receive the same proportion of total consumption in the Atlantic Coast Area as it received in a previous normal year, as adjusted for secular and seasonal trends since that date.

3. The proportions received by the various states in any month differ to allow for varying seasonal requirements from state to state, from month to month, during a year.

4. The total motor fuel deliverable based upon Supplement B Percentage calculation is estimated, in each state, to equal the total motor fuel deliverable, in each state, based upon Supplement A Percentage calculations. The purpose of the Supplement B Percentages is to account for the varying seasonal requirements of various purchasers and consumers within each state. Variations in percentages from state to state are required to recognize different rates of expansion in requirements among the states since the same month of the preceding year.

[F. R. Doc. 41-7324; Filed, October 1, 1941; 10:34 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1347—PAPER AND PAPER PRODUCTS

PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Sec.
1347.51 Maximum prices for paperboard.
1347.52 Less than maximum prices.
1347.53 Evasion.
1347.54 Records.
1347.55 Reports.
1347.56 Affirmation of compliance.
1347.57 Enforcement.
1347.58 Modification of the price schedule.
1347.59 Definitions.
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1347.61 Appendix A.
1347.62 Appendix B.

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises, has determined that the establishment of maximum prices for paperboard is essential in order to accomplish these purposes and is in the interest of national defense and national welfare, and that the maximum prices set forth herein are fair and reasonable. The determination of these prices comes after exhaustive investigations and numerous conferences with representatives of all branches of the paperboard trade.

Paperboard, and the boxes and containers manufactured therefrom, have become essential to the prosecution of the defense effort. The Office of Price Administration, through voluntary agreements and the establishment of price schedules for wastepaper and other commodities, has been exerting its efforts to prevent undue price rises in those raw materials which go to make up paperboard. The price rises which are threatening in the paperboard industry are, therefore, unwarranted. Because of the countless uses for paperboard, the effect of an inflationary price would be to create a dangerous price spiral and, therefore, immediate action is necessary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1347.51 *Maximum prices for paperboard.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase or other commitment, in the area East of the Rocky Mountains, no person shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1347.61 and 1347.62, respectively.*

*§§ 1347.51 to 1347.62, inclusive, issued under the authority contained in Executive Order No. 8734, 6 F.R. 1917.

§ 1347.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may, however, be charged, demanded, paid, or offered.*

§ 1347.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of paperboard, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.54 *Records.* Every person making purchases or sales aggregating ten tons or more of any or all grades of paperboard in any one month shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase or sale of paperboard made during such month and each month thereafter showing the date thereof, the name of the buyer or of the seller, the prices paid or received, the quantity and grade or grades so purchased or sold.*

§ 1347.55 *Reports.* Every producer of any or all grades of paperboard shall, in addition to keeping records as required above, submit such reports as the Office of Price Administration may from time to time require.*

§ 1347.56 *Affirmation of compliance.* All persons who are required by § 1347.54 to keep records, shall transmit, on or before November 10, 1941, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 132:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 132:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" by 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record or report requirements, or other provisions contained in this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of paperboard or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

§ 1347.58 *Modification of the price schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. Such applications must include all relevant facts in detail and must be verified by the individual making the application or by an officer or partner of the business entity making the application.*

§ 1347.59 *Definitions.* When used in this Schedule, or any modifications or exceptions thereto, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Paperboard" means all kinds, grades, types, calipers, colors, and patterns of paperboard.

(c) "Producer" means any person who manufactures from any raw material any type, grade or caliper of paperboard for any use whatever.

(d) "Gage list" means those lists set forth in United States Department of Commerce Simplified Practice Recommendation R44-36 entitled "Box Board Thicknesses."*

§ 1347.60 *Effective date.* This Schedule shall become effective on October 1, 1941.*

§ 1347.61 *Appendix A, maximum prices for paperboard used in the manufacture of folding paper boxes and set-up cartons*—(a) *Set-up boxboards.* (No. 1 Gage List—Reg. 50's to 90's incl. See Section (d) for other thicknesses [1])

	Maximum base price per ton (2,000 lbs.)	Maximum differentials applying to the maximum base price [2]		
		1-3 tons	Over 3, less 10	10 tons or over
Plain Chip	$45.00 [3]	+$5.00	+$2.50	+Base
News Vat Lined Chip	45.00	+6.50	+4.00	+$1.50
Filled News	45.00	+8.00	+5.50	+3.00
Solid News [4]	45.00	+10.00	+7.50	+5.00
White Vat Lined	45.00	+20.00	+17.50	+15.00
Mounting Board	45.00	+8.00	+5.50	+3.00
Tube & Can Stock	45.00	+7.50	+5.00	+2.50

(b) *Folding boards.* (No. 2 Gage List—Reg. 50's and 90's, incl. See Section (d) for other thicknesses)

	Maximum base price per ton (2,000 lbs.)	Maximum differentials applying to the maximum base price [2]		
		1–3 tons	Over 3 less 10	10 tons or over
Single Manila Lined, Jute-Mist Gray, Tan, Green Lined and Suit Box	$60.00	[3]+$5.00	+$2.50	+Base
Bleached Manila Lined	60.00	+7.50	+5.00	+$2.50
Semibending and Creasing Chip	60.00	−7.50	−10.00	−12.50
Full Bending Chip	60.00	−5.00	−7.50	−10.00

(c) *White patent coated news.*[4] (No. 6 Gage List)

	Maximum base price per ton (2,000 lbs.)	Maximum differentials applying to the maximum base price [2]		
		1–3 tons	Over 3, less 10	10 tons or over
#1 Single White 0.020 and heavier	$75.00	+[3]$5.00	+$2.50	+Base
#1 Single White 0.018	75.00	+7.50	+5.00	+$2.50
#1 Single White 0.016	75.00	+10.00	+7.50	+5.00
#1 Single White 0.015	75.00	+12.50	+10.00	+7.50
#1 Single White 0.014	75.00	+15.00	+12.50	+10.00
#1 Double White 0.020 and heavier	75.00	+27.50	+25.00	+22.50
#1 Double White 0.018	75.00	+32.50	+30.00	+27.50
#1 Double White 0.016	75.00	+37.50	+35.00	+32.50
#1 Double White 0.015	75.00	+40.00	+37.50	+35.00
#1 Double White 0.014	75.00	+42.50	+40.00	+37.50

(d) *Additional differentials applying to all grades.*

Regular 35's to 39's [3]	+$5.00
Regular 40's to 49's	+ 2.50
Regular 91's to 100's	+ 2.50
Regular 101's to 120's	+ 5.00
Silicating (per side)	+ 2.50
Pasting 35's to 15's	+ 7.50
Pasting 14's to ½" thick	+12.50
Trimming (per side)	+ 1.00
Gloss ink	+ 2.50

(e) All of the above maximum prices are for the respective grades and tonnages delivered to the consumer. Billing may be f. o. b. point of shipment with freight allowed to point of destination.*

[1] Except No. 3 Gage List.

[2] Exception to Quantity Differentials—Where a single buyer places a single or multiple order for paperboard of a single grade, thickness, type, and color, and where the sizes ordered and quantities demanded are such as to fill the trim of the seller's paper making machine and where the only cutting involved can be done by the slitter and chopper knives as the paperboard leaves the machine, the combined weight of such orders made simultaneously shall be used as the basis for the application of the quantity differential set forth herein.

[3] A "+" sign before a figure establishes it as the maximum amount that may be added to the base price in the sale or purchse of the kind and grade of paperboard in whose column the figure appears. Smaller amounts may be added. A "−" sign before a figure establishes it as the minimum amount that must be subtracted from the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Larger amounts may be subtracted.

[4] Additional differentials applying to White Patent Coated News only:
Manila Back Non-Bender, +$10.00.
Manila Back Bender, +$15.00.

§ 1347.62 *Appendix B, maximum prices for paperboard used in the manufacture of corrugated and solid fiber boxes*—(a) *Container liners.*

	Price Per M Sq. Ft.
.016 42 lb. Fourdrinier Kraft	$1.26
.016 47 lb. Fourdrinier Kraft	1.41
.016 49 lb. Fourdrinier Kraft	1.47
.016 50 lb. Fourdrinier Kraft	1.50
.016 52 lb. Fourdrinier Kraft	1.56
.016 52 lb.–150 lb. Test Cylinder Kraft	1.69
.016 56–58 lb.–100 lb. Test Natural Cylinder Kraft	1.82
.016 56–58 lb.–100 lb. Test Filled Cylinder Kraft	1.82
.016 52 lb.–100 lb. Test Yellow Fourdrinier Kraft	1.76
.016 56 lb.–125 lb. Test Yellow Cylinder Kraft	1.89
.016 56 lb Chipboard	1.26
.016 64 lb. Jute	1.92

(b) *Liners heavier than .016.*

.030 100 lb. Jute	3.00
.030 110 lb. Jute	3.30
.030 96 lb. Cylinder Kraft	3.12
.030 96 lb. Yellow Cylinder Kraft	3.24
.030 90 lb. Fourdrinier Kraft	2.70
.030 104 lb.–250 lb. Test Cylinder Kraft	3.38
.035 110 lb. High Test Cylinder Kraft	3.85

(c) *Liners lighter than .016.*

	Price Per M Sq. Ft.
.012 33 lb. Kraft	.99
.012 38 lb. Kraft	1.14
.012 48 lb.-50 lb. Jute	1.50
.010 30 lb.-32 lb. Kraft	1.04

(d) *Corrugating grades.*

.009 32 lb. Strawboard	.96
.009 26 lb. Fourdrinier Kraft	.78
.009 26 lb. Chestnut	.78
.009 26 lb. Pinewood	.78
.009 26 lb. Chip	.62
.009 25-30 lb. "Bogus" Corrugating Material	.90
.009 26 lb. Canadian (Sulphite & Ground Wood)	.78

(e) All Kraft, Jute, and Chip prices are based on their respective natural colors except where specific provision is made otherwise in the above Schedule.

(f) For grades of Chipboard not found in this Appendix, a price per thousand square feet not in excess of $45.00 per ton may be charged. For grades of all other types of paperboard not found in this Appendix, a price per thousand square feet not in excess of $60.00 per ton may be charged. In the event that special circumstances are present, application should be made to the Office of Price Administration for a modification or exception to the Schedule in accordance with § 1347.58 hereof.

(g) All of the above maximum prices are for the respective grades and tonnages delivered to the consumer. Billing may be f. o. b. point of shipment with freight allowed to point of destination.*

Issued this 30 day of September, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7315; Filed, September 30, 1941; 2:41 p. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

RECOMMENDATION

Whereas the President of the United States on May 28, 1941 (6 F.R. 2760) designated me Petroleum Coordinator for National Defense and made it my responsibility and duty, as his representative:

1. To obtain currently from the States and their agencies, from the petroleum and allied industries, from the officers and agencies of your Department, and from other appropriate Federal departments and agencies information as to (a) the military and civilian needs for petroleum and petroleum products, (b) the factors affecting the continuous, ready availability of petroleum and petroleum products for those needs, and (c) any action proposed which will affect such availability of petroleum and petroleum products.

2. To make specific recommendations * * * to insure the maintenance of a ready and adequate supply of petroleum and petroleum products.

and

Whereas, I find on the basis of information obtained from the appropriate government agencies and from the petroleum industry, that

1. The daily average shipment of petroleum and petroleum products from the Gulf Coast to the Atlantic Seaboard has declined substantially and that further declines are anticipated,

2. Existing supplementary transportation facilities can make up only a part of the deficiency and certain contemplated new transportation facilities will not be ready until 1942,

3. The trend of consumption of petroleum products in this area is upward,

4. As a result of these factors, the usual seasonal increase in stocks of petroleum and petroleum products to meet the heavy winter demand is well below the normal rate, and the stocks of industrial fuel oils, domestic heating oils, motor fuel and crude petroleum will not be adequate to meet essential demands this winter unless there is an immediate and drastic reduction in current consumption,

and

Whereas I find that, as a result of the foregoing, the rationing of petroleum products may become necessary unless the consumption of motor fuel be voluntarily reduced by 33⅓ percent in the Atlantic Coast area,

Now, Therefore, I do strongly urge that the use and consumption of motor fuel in the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia and Florida, and the District of

Columbia, immediately and until further notice be voluntarily curtailed by 33⅓ percent by all except those engaged in National Defense activities or services essential to health and safety.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

SEPTEMBER 26, 1941

[F. R. Doc. 41-7268; Filed, September 29, 1941; 4:07 p. m.]

RECOMMENDATION No. 2

To the Asiatic Petroleum Corporation, the Standard Oil Company (New Jersey), the Texas Company, and Trinidad Leaseholds, Limited, and their respective subsidiary companies:

Whereas because of the scarcity of available tanker tonnage, an acute shortage of petroleum products is imminent in the Caribbean area and particularly on the Island of Puerto Rico; and

Whereas heretofore it has been customary to draw a substantial part of the supplies of petroleum products for this area from continental United States; and

Whereas the average time required for a round trip by tanker between the Gulf Coast and Puerto Rico has been approximately 19 days, while a round trip between Aruba, or Curacao, and Puerto Rico has been approximately only 8.6 days; and

Whereas it is necessary to take all possible steps during the existing emergency to conserve tanker tonnage;

Now therefore, in accordance with the provisions of the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) The aforesaid companies and their respective subsidiary corporations, including but not limited to the Shell Oil Company of Puerto Rico, Limited, West Indian Oil Company of Puerto Rico, The Texas Company (Puerto Rico), Inc., and Pyramid Products Company, discontinue all movements by tanker of gasolines, kerosenes, gas oils, diesel oils, and fuel oils, from any point in the continental United States to all islands in the Caribbean area except Cuba, and that these islands be supplied with the foregoing products from refineries so located as to reduce to an absolute minimum the tanker tonnage required for transportation;

(2) The barge, terminal, and storage facilities of all of the aforesaid companies in the Carribbean area be utilized in such a way and without regard to the individual ownership of such facilities, so as to reduce to an absolute minimum idle time in port and the splitting of cargoes between two or more ports of discharge;

(3) The aforesaid companies arrange for the exchange or loan of products among themselves whenever and to whatever extent may be necessary to facilitate the reduction of the tanker tonnage required to transport the required petroleum products to the aforesaid Caribbean area;

(4) Meetings of representatives of the aforesaid companies be held from time to time for the sole purpose of working out the physical and contractual details and arrangements necessary to carry into effect the foregoing recommendations.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

JULY 24, 1941.

[F. R. Doc. 41-7269; Filed, September 29, 1941; 4:07 p. m.]

RECOMMENDATION No. 3

To all persons, in the Atlantic Coast area, responsible for the operation of commercial vehicles except those operated in national defense activities or services essential to health and safety:

Whereas the Atlantic Coast area is confronted with an impending shortage of gasoline, fuel oils, and other petroleum products due to the inadequacy of available tanker transportation service from Gulf Coast ports; and

Whereas such shortage will, unless abated, have serious adverse effects on the progress of the national defense effort and will result in enforced inconvenience and discomfiture to the public generally; and

Whereas immediate steps are necessary to render such a shortage less acute, one of the possible steps being voluntary curtailment of the use of motor fuel;

Now therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) All owners or operators responsible for the management of commercial vehicles:

(a) Eliminate bulk and wholesale deliveries on Saturdays;

(b) Limit retail deliveries to not more than one each day;

(c) Reduce the deliveries of perishables to as few each day as possible;

(d) Eliminate special deliveries;

(e) By adequate publicity, urge customers to cooperate by carrying small packages instead of requesting deliveries.

(2) Individuals and groups responsible for the operation of commercial vehicles, or representatives of such groups, meet from time to time for the sole purpose of working out the necessary arrangements for carrying into effect the foregoing recommendations.

This recommendation is effective July 9, 1941, and is applicable in the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

AUGUST 5, 1941.

[F. R. Doc. 41-7270; Filed, September 29, 1941; 4:07 p. m.]

RECOMMENDATION No. 4

To all dealers in, and suppliers of, motor fuels in the Atlantic Coast area:

Whereas the inadequacy of available tanker capacity for the transportation of petroleum and petroleum products from Gulf Coast ports to the Atlantic Coast area is causing an increasingly dangerous shortage of gasoline, fuel oils, and other petroleum products in the Atlantic Coast area; and

Whereas such shortage will, unless abated, have serious adverse effects on the progress of the national defense effort and will become increasingly detrimental to the public interest generally; and

Whereas such shortage requires that immediate remedial steps be taken, one of which is curtailment of the use of motor fuels; and

Whereas economies in marketing practices are necessary in order to avoid undue increases in the price of motor fuels by reason of the necessity of employing more costly alternative means of transportation and prospective decreases in the volume of sales; and

Whereas limitation of the daily periods of operation of facilities for supplying motor fuels directly to motor vehicles provides one means of curtailing the use of motor fuels and of offsetting higher costs of transportation, distribution, and marketing; and

Whereas the foregoing necessary curtailment and economies should be accomplished in so far as possible without interference with essential services;

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) That all persons, natural or artificial, employed at or maintaining any place of business where motor fuel is sold and delivered into the fuel tanks of motor vehicles, cease to operate, between the hours of 7:00 p. m. of each day and 7:00 a. m. of the ensuing day, any of the physical equipment utilized for such delivery of motor fuel at such place of business: *Provided*, That this recommendation shall not apply to the operation of facilities used exclusively after the hour of 7:00 p. m. and before 7:00 a. m. in supplying motor fuel to commercial vehicles so classified pursuant to law, nor to the sale and delivery of motor fuel into the tank of any motor

vehicle in the event of an emergency involving public health or safety.

(2) That all persons, natural or artificial, engaged directly or indirectly in supplying any of the aforesaid places of business give this recommendation the widest possible publicity, solicit the cooperation of all of those employed at or maintaining the aforesaid places of business in the observance of this recommendation, and in the event of any continued and deliberate failure to observe this recommendation, take such action, including the refusal to make further deliveries of motor fuel as may be appropriate under all of the attendant facts and circumstances.

This recommendation is effective August 3, 1941, at 7 p. m. refers to daylight saving time where appropriate, and is applicable throughout the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia, the Peninsula of Florida, and the District of Columbia, and to all marketing areas in or east of the Appalachian Mountains in the States of New York, Pennsylvania, Virginia and West Virginia, and such additional marketing areas in said States where any substantial part of the motor fuel supplied is either produced in any of said States, or shipped into such areas from any point east of such areas.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

JULY 31, 1941.

[F. R. Doc. 41-7271; Filed, September 29, 1941; 4:07 p. m.]

RECOMMENDATION No. 5

To the General Committee, the Refining Committee, the Transportation Committee, and the Marketing Committee of District One, and to all suppliers of petroleum or petroleum products in said District:

Whereas, the withdrawal, for national defense purposes, of tankers heretofore used in the transportation of petroleum and petroleum products from Gulf Coast ports to the Atlantic Coast area is causing an increasingly dangerous shortage of gasoline, fuel oils, and other petroleum products in the Atlantic Coast area and such shortage, unless abated, will have serious adverse effects on the progress of national defense efforts and on the public generally; and

Whereas, in order to alleviate this shortage it is necessary that other and more costly additional means of transportation be employed; and

Whereas, it is necessary to distribute the burden of such higher cost transportation in such a way as to equalize the burden among suppliers and to prevent increases in the cost of petroleum products to consumers;

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) The General, Refining, Transportation, and Marketing Committees for District One hold joint or separate meetings from time to time, as the chairmen may desire, to investigate and analyze any facts related to the problem of alleviating the shortage of petroleum products in District One and in such connection the aforesaid committees direct such inquiries or questionnaires to such companies or persons as may be necessary or appropriate.

(2) The said committees encourage by communication with companies and persons the use of barges, tank cars, pipe lines, and trucks as a substitute for the cheaper transportation eliminated by the withdrawal of tankers.

(3) The said committees devise, as a general plan, ways and means whereby those suppliers with substantial stocks or with available cheaper means of transportation may assist those with lower stocks or with higher transportation costs so as to spread the burden of higher transportation costs more widely and more equitably throughout the industry and to avoid undue increases in costs to consumers: *Provided*, That all requests for specific action to accomplish the purposes of this paragraph shall be made in writing and first approved by the Chief Counsel of the Office of Petroleum Coordinator for National Defense.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 18, 1941.

[F. R. Doc. 41-7272; Filed, September 29, 1941; 4:08 p. m.]

RECOMMENDATION No. 6

To all persons supplying motor fuel to resellers or consumers of such motor fuel:

Whereas, in order to alleviate the threatened shortage in the Atlantic Coast area of petroleum products for essential transportation, power and heating purposes the Office of Price Administration and Civilian Supply has issued a civilian allocation program for motor fuel in the Atlantic Coast area, and

Whereas, such program provides that:

No supplier of motor fuel shall directly or indirectly deliver or cause to be delivered in any month to resellers and consumers of such motor fuel more than 90 percent of the amount delivered by him to resellers and consumers during the month of July, 1941.

and

Whereas, such program provides that in making deliveries of motor fuel preference shall be given to deliveries to be used for certain categories of vehicles, and

Whereas, the proportion to total deliveries of the deliveries to be used for such vehicles varies among the several suppliers, and

Whereas, the program provides in § 1340.6 that deliveries of motor fuel obtained by loan, exchange, purchase or sale between suppliers or persons operating or maintaining service stations are excluded from such 90 percent limitation where made for the purpose and with the effect of enabling such suppliers and persons to equalize between themselves the percentage of curtailment which each is required to impose upon different classes of trade, and

Whereas, such loans, exchanges, purchases and sales should be made between suppliers or persons operating or maintaining service stations in order that each class of trade, including other suppliers, service stations, and consumers receive as nearly as possible a proportionate share of the total supply permitted to be made available.

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) All suppliers shall loan, exchange, purchase or sell sufficient quantities of motor fuel to equalize as between themselves, the percentage of curtailment which each is required to impose upon different classes of trade, including other suppliers, service stations and consumers, such equalization, however, to be such that the sum total of all motor fuel supplied to the Atlantic Coast area shall not exceed that permitted in the aforesaid Civilian Allocation Program.

(2) For the purpose of accomplishing such equalization, the District Marketing Committee of District One shall estimate the percentage of the available supply necessary to fill the requirements for preferred deliveries as defined in § 1340.3 of the aforesaid Civilian Allocation Program, in order to ascertain a uniform percentage of curtailment necessary for all non-preferred deliveries to and by service stations and to consumers by suppliers.

(3) The uniform percentage of curtailment thus ascertained shall be adopted by all suppliers in making non-preferred deliveries to service stations and consumers, and differences, if any, between the sum total of any particular supplier's preferred and non-preferred deliveries above or below the curtailment in deliveries required of each supplier by § 1340.1 of the aforesaid Civilian Allocation Program, shall be adjusted as provided in Section 1 of this Recommendation and § 1340.6 of the aforesaid Civilian Allocation Program.

(4) Appropriate meetings of any suppliers operating in the Atlantic Coast area shall be held from time to time for the purpose of working out the physical and contractual details and arrange-

ments necessary to carry into effect the foregoing recommendations.

This Recommendation shall be applicable in the same area as provided in the aforesaid Civilian Allocation Program, and the terms herein used shall have the same meaning as provided in the definition of terms in said program.

R. K. DAVIES,
Acting Petroleum Coordinator, for National Defense.

AUGUST 18, 1941.

[F. R. Doc. 41-7273; Filed, September 29, 1941; 4:08 p. m.]

RECOMMENDATION No. 6

Amendment

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, paragraph numbered (3) of Recommendation No. 6, dated August 18, 1941, is hereby amended to read as follows:

(3) The uniform percentages of curtailment thus ascertained, after approval in writing by the Chief Counsel, Office of Petroleum Coordinator for National Defense, shall be adopted by all suppliers in making non-preferred deliveries to service stations and consumers, and differences, if any, between the sum total of any particular supplier's preferred and non-preferred deliveries above or below the curtailment in deliveries required of each supplier by § 1340.1 of the aforesaid Civilian Allocation Program, shall be adjusted as provided in section 1 of this Recommendation and § 1340.6 of the aforesaid Civilian Allocation Program.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 21, 1941.

[F. R. Doc. 41-7274; Filed, September 29, 1941; 4:08 p. m.]

RECOMMENDATION No. 7

PROCEDURE BETWEEN THE OFFICE OF THE PETROLEUM COORDINATOR FOR NATIONAL DEFENSE AND THE GENERAL AND FUNCTIONAL DISTRICT COMMITTEES AND THE DISTRICT DIRECTORS OF THE COORDINATOR

In accordance with the provisions of the President's letter of May 28, 1941, establishing the Office of the Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice the procedure between the Office of the Petroleum Coordinator for National Defense and the general and functional district committees and the district directors of the Coordinator be as follows:

I. Communication Between Industry Committees and Coordinator's Organization

From the Office of the Coordinator to the Committees

1. The Director of each division in Washington will communicate directly with the Chairman of the Industry Committee concerned with his phase of industry operation, sending copies of his communication to the Chairman of the General Committee for his information, and to the appropriate District Director.

2. All communications of a general character will be directed to the Chairman of the General Committee by the Coordinator or the Deputy Coordinator, sending a copy to the Senior District Director.

3. Communications of a special nature may be directed by the Coordinator or the Deputy Coordinator to the Chairmen of the functional committees, sending copies to the General Chairman and the appropriate District Director.

From the Committees to the Office of the Coordinator

1. The Chairman of each functional committee will communicate directly with the Director in Washington concerned with his phase of industry operation, sending copies of his communication to the Deputy Coordinator and to the appropriate District Director.

2. All communications of a general character will be directed to the Coordinator or the Deputy Coordinator by the Chairman of the General Committee, sending copies to the Senior District Director.

3. Communications of a special nature may be directed by the Chairmen of the functional committees to the Coordinator or the Deputy Coordinator, sending copies to the General Chairman and the appropriate District Director.

II. Committee Meetings

1. The committees may establish their meeting places at such locations as meet the convenience of the members.

2. In addition to regular meetings as determined by the committees, special meetings may be called at any time by the committee chairmen.

3. The committees may appoint temporary subcommittees for investigation and report on specific problems. Such subcommittees will be dissolved upon conclusion of their particular study.

4. The limited size of the committees may have precluded adequate representation for certain areas and for related groups and interests. From time to time it may therefore become necessary to establish standing subcommittees to provide such representation. Recommendations for the establishment of all standing subcommittees, and of members to serve thereon, shall be made to the Coordinator or the Deputy Coordinator.

5. Joint meetings may be held by two or more committees in the same district, and inter-district meetings may be arranged with the approval of the Coordinator or the Deputy Coordinator.

6. Minutes shall be kept of the meetings of all committees. These shall be distributed to the Coordinator's Organization as follows:

Minutes of the General Committee meetings:

Two copies to the Deputy Coordinator in Washington, one addressed to the attention of the Chief Counsel.

One copy to the Senior District Director.

Minutes of the functional committee meetings:

Three copies to the Deputy Coordinator in Washington, one addressed to the attention of the Director of the appropriate Division and one to the attention of the Chief Counsel.

One copy to the appropriate District Director.

Functional committees shall receive copies of the minutes of the other functional committees in the same district, and the General Chairman shall receive copies of the minutes of all committees in his district. If the General Chairman considers that a committee in another district should have a copy of any particular minutes because of their reference to problems of interest to the other committee, he may send such minutes to the General Chairman of the other district.

The report of all temporary subcommittees shall be incorporated in the minutes of the meetings of the regular committees. Standing subcommittees shall keep minutes, and these shall be distributed to the Coordinator's organization by the Chairman of the committee to which they report.

III. Procedure With Respect to Action by Industry Committees

The committees are expected to advise and suggest ways and means of meeting any of the problems relating to the coordination of the petroleum industry for national defense, as indicated by the President of the United States in his letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense. Consideration of such problems shall be undertaken either upon submission by the Office of Petroleum Coordinator for National Defense or after such problems have been raised by any of the committees on their own motion.

Each chairman and each member of all committees are specifically referred to the letter of the Coordinator addressed to the Attorney General of the United States under date of June 16, 1941, and are hereby advised, in accordance with that letter, "that they are not authorized to initiate group action as respects any matter which might violate either the letter or the spirit of the Anti-Trust laws." The industry should engage in no concert of action which might be deemed a violation of the antitrust laws without first receiving a formal recommendation duly signed by the Coordinator or the Deputy Coordinator. As indicated by the Attorney General's letters of April 29 to the Office of Production Management, and June 18, 1941, to the Secretary of the Interior, concerted action in response to such a formal recommendation or direction is not a violation

of the anti-trust laws, and this because it clearly lacks the elements of conspiracy or combination by private interests with an intent to restrain trade or commerce.

The procedure to be followed by District Committees in all cases where industry action is deemed necessary or appropriate is as follows:

1. A careful survey of each problem and the facts bearing on such problem shall be made by the appropriate industry committee or such subcommittee as may be designated, and consultation shall be had with the appropriate governmental representatives of the Coordinator. In this connection any committee is authorized:

(a) to direct such inquiries and questionnaires to such companies or persons as may be necessary or appropriate;
(b) to ask and receive expert assistance from any company or person;
(c) to afford any interested or affected persons, particularly consumers, an opportunity to present their views;
(d) to compile and analyze facts, figures, or other data.

2. Whatever specific plan or proposal shall seem necessary or appropriate shall be reduced to writing, together with a statement of facts and reasons, and submitted to the Deputy Coordinator, Department of the Interior, Washington, D. C., with copies to the General District Chairman and to the District counsel for the coordinator.

3. The General District Chairman shall forward his comments on the proposal or plan to the Deputy Coordinator as quickly as possible and it shall be the duty of the District counsel likewise to review the plan or proposal and to make a report to the Chief Counsel of the Office of Petroleum Coordinator for National Defense immediately.

4. When plans or proposals are received by the Deputy Coordinator they will be reviewed immediately and, with such modifications as he may deem necessary, embodied in a formal recommendation which will first be submitted to the Department of Justice in accordance with the procedure set forth in the correspondence between the Petroleum Coordinator for National Defense and the Attorney General.

5. Following submission of the proposed formal recommendation to the Department of Justice, it will be signed by the Coordinator or the Deputy Coordinator and published and forwarded to the proper parties, including the appropriate committees, together with copies of the response of the Department of Justice.

It is contemplated that most of the recommendations issued will continue in effect until further notice but the committees are expected at any time to submit for the consideration of the Deputy Coordinator necessary changes, extensions, or modifications. All submissions should be specific.

IV. Public Information

The functions of Industry Committees are in the public interest and are well able to undergo public examination. The public relations of each committee starts with this assumption. Committees should be prepared to report accurately to the public on policies and programs adopted by the Coordinator. When the public understands these policies it will support them, but it cannot support them if they are not explained. Committees, therefore, are invited to report to the public on adopted programs by such means as they may select. To avoid conflict and confusion, statements should be issued only through the committee chairman, all to be cleared through the General District Chairman.

No good could be served the public, and confusion would be bred, if committees were to undertake public advocation or discussion of yet unadopted policies or actions. Committees therefore should confine their statements to adopted policies and actions, and should avoid speculation and prophecy. Policies and programs undertaken by the Coordinator's office are designed for the public welfare and are not partisan or political. Discussion of policy and action therefore should be kept on the level of fact.

Problems of public relations always may be taken up with the office of the Deputy Coordinator. Correspondence on this subject should be addressed to him.

V. *Miscellaneous*

1. Committee members do not serve as representatives of any company, association, or special interests but serve as representatives of the petroleum industry. They have been appointed because of their special knowledge and experience in some field of the petroleum industry.

2. Members of functional committees will elect Vice Chairmen. When the General Chairman is to be absent from any general committee meeting, he will in advance designate some member of the general committee to serve in his place for that particular meeting.

3. Committees may designate members to meet with outside groups and organizations in the discussion of problems relating to the coordination of the petroleum industry for national defense.

4. Official correspondence with committee members shall be addressed to them in their capacities as members, and sent to their business addresses in care of the companies with which they may be affiliated.

5. Committee chairmen and members shall segregate all correspondence, and other records relating to the committees' activities.

6. Correspondence on all matters relating to the committees' activities shall be written on stationery printed in conformity with the sample form attached.

7. Committees in one district may submit matters for the consideration of committees in another district, sending copies to the General Chairmen of both districts and to the Deputy Coordinator.

8. Any company, individual, or organization shall have the right to present for committee consideration, any suggestions, complaints, or other matters relating to the coordination of the petroleum industry for national defense.

9. Any committee member who feels that the committee fails to give appropriate consideration to his views or proposals may make his viewpoint a part of the record by submitting a written statement, in triplicate, sending one copy to the committee, for incorporation in the minutes, one copy to the appropriate District Director of the Coordinator, and one copy to the Coordinator or the Deputy Coordinator.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 19, 1941.

(Sample Form)

PETROLEUM INDUSTRY COMMITTEE

Appointed by

PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

District No. [ ] [City and State]
[ ] Committee

[F. R. Doc. 41-7275; Filed, September 29, 1941; 4:09 p. m.]

RECOMMENDATION No. 8

To all persons engaged directly or indirectly in the production or manufacture of aviation gasoline or in producing or manufacturing gasoline containing blending agents of a petroleum origin:

Whereas a completely adequate supply of 100 octane aviation gasoline must be kept continuously available at all times to meet any possible demands of the defense program; and

Whereas at the present time an enlarged supply of 100 octane aviation gasoline must be assured to meet the demands of the army and navy air forces; and

Whereas assurance of such enlarged supply requires that blending agents of a petroleum origin be fully utilized in the production and manufacture of such gasoline:

Now, therefore Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately, and until further notice:

All persons, natural or artificial, engaged directly or indirectly in the production or manufacture of aviation gasoline or in the production or manufacture of gasolines containing blending agents of a petroleum origin, such as but not limited to, Iso-octanes, including alkylates, hot acid octanes, and hydrocodimers, Iso-pentanes, and Neo-hexanes, cease to use such blending agents ex-

cept for the production and manufacture of 100 octane aviation gasoline or such other aviation gasolines as may hereafter be recommended by the Office of the Petroleum Coordinator.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 23, 1941.

[F. R. Doc. 41-7276; Filed, September 29, 1941; 4:09 p. m.]

RECOMMENDATION NO. 9

To the Petroleum Supply Committee for Latin America and to the Anglo-Mexican Petroleum Corporation, The Atlantic Refining Company, Socony-Vacuum Oil Company, Standard Oil Company (New Jersey), The Texas Corporation, and their various subsidiary companies:

Whereas the diversion of a part of the American tanker fleet for national defense purposes has resulted in a shortage of petroleum tanker tonnage in the Western Hemisphere; and

Whereas many of the Republics of South and Central America depend for their supplies of petroleum and petroleum products upon tanker transportation; and

Whereas most of the tankers available for such service are under the control of the United States of America; and

Whereas it is the policy of the United States of America that the other American Republics shall not sustain an unfair or disproportionate curtailment of petroleum supplies but, on the contrary, shall share equally with the comparable areas of the United States such curtailment as may be necessary; and

Whereas the Petroleum Coordinator for National Defense has appointed a Petroleum Supply Committee for Latin America to advise and consult with the Coordinator and the Deputy Coordinator, and with local representatives to be designated, on matters relating to the proper coordination for national defense of the activities of the petroleum industry, as set forth in the President's letter of May 28, with respect to the supplying of petroleum and petroleum products to Latin America on such fair and equitable basis as will maintain maximum efficiency and result in supplies to such countries on a basis comparable with supplies to the seaboard areas of the United States;

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) The aforesaid companies and their various subsidiary companies devise and submit to the Chief Counsel of the Office of the Petroleum Coordinator for National Defense, and, after its approval in writing by said Chief Counsel, put into effect a plan to release or procure and so allocate among themselves and among the national and local companies which distribute petroleum products in the other American Republics, sufficient tanker space which, when added to or subtracted from that space otherwise available to such national and local companies, shall result in a curtailment of deliveries of petroleum products, to each such Republic and to each company distributing petroleum products in each such Republic, approximately equal to that necessary at seaboard points in the United States where a shortage of tanker transportation facilities results in curtailment of deliveries of petroleum or its products.

(2) The aforesaid companies so utilize available tankers to haul petroleum and petroleum products from the points of supply nearest the markets to be served and in such a manner as to avoid multiple port loading and discharging, cross hauling, and unnecessary ballast voyages.

(3) For the purpose of carrying out this recommendation the barge, terminal and storage facilities of all of the aforesaid companies be utilized in such a way and without regard to individual ownership of such facilities as to reduce to an absolute minimum idle time in port and the splitting of cargoes between two or more ports of discharge.

(4) The aforesaid companies arrange for the exchange or loan of products among themselves whenever and to whatever extent may be necessary to facilitate the reduction of the tanker tonnage required to transport the required petroleum products to the aforesaid American Republics.

(5) The Petroleum Supply Committee for Latin America and the aforesaid companies consult with the State Department and the United States missions in the various American Republics on matters of policy, particularly matters affecting relations with the Latin American governments or companies, and cooperate with such local committees as may be appointed in each of the countries concerned in order to coordinate their local activities with the governmental policies of each such country.

(6) Meetings of the Petroleum Supply Committee for Latin America and meetings of representatives of the aforesaid companies may be held from time to time for the purpose of working out the physical and contractual details and arrangements necessary to carry into effect the foregoing recommendations.

(7) The Petroleum Supply Committee for Latin America and the aforesaid companies shall coordinate their activities under this recommendation with the policies of the Tanker Control Board established by the Petroleum Coordinator for National Defense.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 26, 1941.

[F. R. Doc. 41-7277; Filed, September 29, 1941; 4:09 p. m.]

RECOMMENDATION NO. 10

To all persons engaged in marketing petroleum products in the Atlantic Coast area:

Whereas the inadequacy of available tanker transportation facilities threatens the Atlantic Coast area with a shortage of petroleum and petroleum products; and

Whereas because of this threatened shortage it has become increasingly difficult for the small, nonintegrated, spot and noncontract marketers of petroleum products to obtain supplies of petroleum products in this area; and

Whereas the Office of Petroleum Coordinator for National Defense has adopted the policy of asking that the petroleum industry operate in such a way that all marketers of petroleum products may secure their proportionate share, without discrimination, of the sum total of whatever petroleum products are made available in the Atlantic Coast area, or other areas of threatened shortage;

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

(1) All spot, noncontract, or other buyers of petroleum products who are engaged in the Atlantic Coast area in the business of reselling such products and who are experiencing difficulty in procuring supplies, file promptly with the Director of Marketing, Office of Petroleum Coordinator for National Defense, Washington, D. C., and with the Chairman of the Marketing Committee for District No. 1, a tabulation giving the following information:

(a) Purchases, including name or names of the person or company from whom purchased, of the petroleum product or products with respect to which procurement difficulties are being experienced, broken down by months for the period January 1940–August 1941, inclusive.

(b) Sales of the petroleum product or products with respect to which procurement difficulties are being experienced, broken down by months for the period January 1940–August 1941, inclusive.

(c) Stocks on hand, or inventories, of the petroleum product or products with respect to which procurement difficulties are being experienced, at the end of each month for the period January 1940–August 1941, inclusive.

(d) A statement setting forth in detail whatever difficulties such buyer is actually experiencing in securing such buyer's proportionate share of the sum total of whatever petroleum products are made available in the Atlantic Coast area.

R. K. DAVIES,
Acting Petroleum Coordinator, for National Defense.

SEPTEMBER 6, 1941.

[F. R. Doc. 41-7278; Filed, September 29, 1941; 4:09 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the aerial gunnery and bombing range defined in § 204.81 Danger Zone Regulations, is hereby redefined, the title of the section and description of the danger zone being amended as follows:

§ 204.81 *Waters of Atlantic Ocean; Savannah Air Base, aerial gunnery range between Wassaw Island-Doboy Island, Ga.*

THE DANGER ZONE

(a) The range includes the waters in an area 10 miles wide by 40 miles long and about 5 miles distant from the easterly shore lines of Wassaw, Ossabaw, St. Catherine, Sapelo, and Doboy Islands, Georgia, bounded by lines as follows: Beginning at the northeasterly corner of the area Lat. 31° 50′ N., Long. 80° 55′ W., about 5 miles offshore from Ossabaw Island; thence S. 65°27′48″ E. 10 miles; thence S. 24°32′12″ W., 40 miles, thence N. 65°27′48″ W., 10 miles, to a point about 5 miles offshore from Doboy Island; thence N. 24°32′12″ E., 40 miles, to the point of beginning. The military operations which will be carried on in the range consist of aerial gunnery firing against airplane-towed targets from weapons mounted in airplanes flying at varying altitudes, and the dropping of practice aerial bombs from airplanes on points situated within the area. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. July 7, 1941 as amended by Regs. Sept. 18, 1941, (E.D. 7195 (Atlantic Ocean—Georgia)—2/3)]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7323; Filed, October 1, 1941; 9:32 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1496]

PART 251—AIRPORTS AND AVIATION FIELDS

REGULATIONS GOVERNING THE LEASING OF PUBLIC LANDS FOR AIRPORTS AND AVIATION FIELDS

The Act of August 16, 1941 (Public Law No. 205), amended section 1 of the Act of Congress, approved May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214), so as to increase the area which may be leased for use as public aviation fields from 640 acres to 2,560 acres. In order to show such change, Circular No. 1161, dated August 22, 1928, (52 L.D. 476), and part 251 of Title 43 of the Code of Federal Regulations, based thereon, are hereby amended as indicated below.

§251.1 *Statutory authority.* The Act of May 24, 1928, (45 Stat. 728; 49 U.S.C. 211-214), as amended by the Act of August 16, 1941 (Public Law No. 205), authorizes the Secretary of the Interior in his discretion and under such regulations as he may prescribe, to lease for use as a public airport, any contiguous, unreserved and unappropriated public lands, not to exceed 2,560 acres in area. It also authorizes him to grant permission for the establishment of beacon lights and other air navigation facilities, except terminal airports, upon unreserved and unappropriated public lands and to withdraw such lands for such purposes. (Sec. 1, 45 Stat. 728; 49 U.S.C. 211)

Sections 251.2 (*Lands which may be leased*) and 251.15 (*Segregation of land by application for lease; airport withdrawals which may be made by the Secretary of the Interior*) of Title 43 are each amended by striking out the figures "640" contained therein and inserting in lieu thereof the figure "2,560".

FRED W. JOHNSON,
Commissioner.

Approved: September 11, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-7321; Filed, October 1, 1941; 9:32 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20246; 5296]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NORTH AMERICAN AVIATION INC. OF TEXAS, DALLAS, TEXAS

Contract[1] for Maintenance Parts for Airplanes.

Amount: $1,340,788.45.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 28 P 82-30 A 0705-12, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 30th day of July 1941.

Scope of this contract. The contractor shall furnish and deliver Maintenance Parts for * * * airplanes for the consideration stated one million three hundred forty thousand seven hundred eighty eight dollars and forty five cents ($1,340,788.45) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7318; Filed, September 30, 1941; 3:55 p. m.]

[Contract No. W 431 qm-5242; O. I. 108]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: MOUNT VERNON WOODBERRY MILLS, INCORPORATED, BALTIMORE, MARYLAND

Contract for furnishing and delivering Duck, Cotton, Tent; Cloth, Cotton, Twill.

Amount: $1,081,068.00.

Place: Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.

This contract, entered into this 11th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver Duck, Cotton, Tent; Cloth, Cotton, Twill, for the Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, for the consideration stated one million eighty-one thousand

[1] § 204.81 (a) is amended.

[1] Approved by the Under Secretary of War August 13, 1941.

sixty-eight dollars ($1,081,068.00) and no cents, in strict accordance with the specifications, schedules, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 15401 P 14–3019 A 0515–12, QM 15401 P 14–30 A 0515–12, the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7319; Filed, September 30, 1941; 3:55 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–88]

PETITION OF MIDLAND ELECTRIC COAL CORPORATION, A CODE MEMBER IN DISTRICT NO. 10, FOR TEMPORARY AND PERMANENT ORDER PROVIDING FOR COORDINATION OF PRICES FOR RAILROAD FUEL TO THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY FROM THE MIDDLE GROVE MINE OF THE PETITIONER

ORDER DENYING FINAL RELIEF

Midland Electric Coal Corporation, a code member in District No. 10, having filed a petition with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction of 25 cents from the effective minimum price of $2.00 per ton established for mine run locomotive fuel produced at petitioner's Middle Grove Mine, Mine Index No. 95, for sale to the Minneapolis and St. Louis Railroad Company;

District Board 10 having filed a petition of intervention, and L. C. Sprague, receiver of the Minneapolis and St. Louis Railroad Company, having filed an appearance;

Pursuant to notice to all interested parties and persons, a hearing having been held at Washington, D. C., on November 12 and 13, 1940, and March 6, 1941, before duly designated Trial Examiners; the petitioner, and District Board 10 participated in the hearing;

At the conclusion of the hearing, all parties having joined in waiving the preparation and filing of a report by the Trial Examiners, and the record in the matter having been thereupon submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith.

Now, therefore, it is ordered, That the Petitioner's prayer for relief be, and it hereby is, denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7325; Filed, October 1, 1941; 10:46 a. m.]

[Docket No. A–934]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR THE ESTABLISHMENT OF A PRICE EXCEPTION IN THE SCHEDULE OF MINIMUM PRICES FOR DISTRICT NO. 10 FOR TRUCK SHIPMENTS TO MARKET AREA NO. 35 FROM MINE INDEX NOS. 118, 119, 120 AND 121, TO PERMIT THE SALE OF REFUSE FROM LUMP PICKING TABLES

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 10, requesting the establishment of price exception in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments which would permit the Old Ben Coal Corporation to sell the refuse from the lump picking tables of its Mines Nos. 8, 11, 14, and 15 (Mine Index Nos. 118, 119, 120, and 121, respectively), for shipment to a portion of Market Area 35;

A hearing in this matter having been held, pursuant to an Order of the Acting Director, before a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

At the conclusion of the hearing the preparation and filing of a report by the Examiner having been waived and the record having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition filed herein be and they hereby are denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7326; Filed, October 1, 1941; 10:46 a. m.]

[Docket No. A–341]

PETITION OF WHEELING VALLEY COAL CORPORATION, COVE HILL COAL COMPANY AND THE BUFFALO COAL AND COKE COMPANY, CODE MEMBERS IN DISTRICT NO. 6, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR EX-RIVER SHIPMENTS INTO MARKET AREAS 11, 12, AND 13

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Wheeling Valley Coal Corporation, The Cove Hill Coal Company, and Buffalo Coal & Coke Company, code member producers in District 6, requesting reductions in the effective minimum prices for coals shipped ex-river into Market Areas 11, 12, and 13;

Petitions of intervention having been filed by District Boards 1, 2, 4, and 6 and a notice of appearance having been filed by the Consumers' Counsel Division;

The Director having issued his Memorandum Opinion and Order denying temporary relief;

A hearing in this matter having been held, pursuant to Order of the Director and notice to interested parties, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the undersigned;

The petitioners, District Boards 2 and 4, and the Consumers' Counsel Division having filed briefs;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7327; Filed, October 1, 1941; 10:46 a. m.]

[Docket No. A-532]

AMENDED PETITION OF THE WILMORE FUEL COMPANY FOR TEMPORARY RELIEF UNDER SECTION 4 II (d) FOR PERMISSION TO SUBSTITUTE MANUALLY BROKEN DOWN RUN OF MINE COAL FOR SLACK COAL SIZES, IN PLACE OF MECHANICAL SCREENED SLACKS, FOR SHIPMENT VIA TIDEWATER TO CONSOLIDATED EDISON COMPANY OF NEW YORK, NEW YORK, NEW YORK

SUPPLEMENTAL MEMORANDUM OPINION AND ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PETITION

On February 27, 1941, an Order of the Director granted temporary relief to the original petitioner, Wilmore Fuel Company, a Code member in District 1, permitting the petitioner to deliver for a period of not more than 30 days thereafter, not more than 10,000 tons of its mine run coal from its Mack No. 2 Mine to Consolidated Edison Company of New York for use at the Company's 14th Street Plant at a minimum f. o. b. mine price of $2.05 per ton: *Provided*, That petitioner file statements of all deliveries made thereunder with the Division in Washington, D. C.;

On March 28, 1941, an Order of the Director extended until April 26, 1941, or the completion of the installation of certain crushing equipment, whichever was sooner, the temporary relief granted to petitioner in the Order dated February 27, 1941, for not more than 10,000 tons additional of mine run coal from its Mack No. 2 Mine to Consolidated Edison Company of New York for use at its 14th Street Plant at a minimum f. o. b. mine price of $2.05 per ton: *Provided*, That petitioner file statements of all deliveries made thereunder with the Division in Washington, D. C.;

Now, therefore, it is ordered, That the extended temporary relief be terminated and cancelled as of April 26, 1941, or the completion of the installation of the crushing equipment, whichever was sooner, and that the amended petition be dismissed.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7328; Filed, October 1, 1941; 10:47 a. m.]

[Docket No. A-867]

PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR A REVISION OF THE SEASONAL DISCOUNT SCHEDULES FOR DISTRICTS NOS. 4, 7, 8, 10 AND 13, AND OTHER DISTRICTS FOR THE SUMMER SEASON OF 1941

ORDER OF THE DIRECTOR ADOPTING RECOMMENDATIONS OF THE EXAMINER AND DENYING RELIEF

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Consumers' Counsel Division of the Department of the Interior requesting revision of the schedules of effective minimum prices for all districts in which seasonal discounts may be allowed so as to permit producers to allow until July 1, 1941, the maximum discounts presently provided in each district, to allow discounts amounting to 80% of such maxima in July, 60% of such maxima in August and 20% of such maxima in September;

Intervening petitions having been filed by District Boards 1, 2, 3, 4, 6, 7, 8, 10, 11 and 12, and by Carter Coal Company, a code member in District 7;

Temporary relief having been denied by an Order of the Director;

Pursuant to an Order of the Director a hearing having been held in this matter before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

W. A. Cuff, Trial Examiner, having filed with the Director on August 27, 1941, his Report, Proposed Findings of Fact, Conclusions of Law and Recommendations in which it is recommended that the petition herein be denied;

No exceptions having been filed with the Division to the Examiner's recommendations;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That the relief requested by the petition in this proceeding should be and it is hereby denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7329; Filed, October 1, 1941; 10:47 a. m.]

[Docket No. 1602-FD]

IN THE MATTER OF CORYELL COAL COMPANY, (FRANK CORYELL), DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND CEASE AND DESIST ORDER

A complaint, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on February 25, 1941, by Domestic Coal Company (George C. Watson), a code member producer in District 17, the complainant, against Coryell Coal Company, (Frank Coryell), defendant, a code member in District 17, requesting that defendant's code membership be cancelled and revoked or that the Division, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, in Denver, Colorado, on June 2, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact and Conclusions of Law and Recommendations in the above proceedings, dated August 21, 1941, and having recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District 17 for All Shipments and the Marketing Rules and Regulations;

An opportunity having been afforded to the parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The Director having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now, therefore, it is ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That the defendant, Frank Coryell, individually, and doing business as the Coryell Coal Company, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Coal Code, the Schedule of Effective Minimum Prices for District 17 for All Shipments and the Marketing Rules and Regulations.

It is further ordered, That the Division may upon the failure of the defendant herein to comply with this Order forthwith apply to the Circuit Court of Appeals of the United States within any circuit where defendant carries on business, or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof or take any other appropriate action.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7330; Filed, October 1, 1941; 10:47 a. m.]

[Docket No. 1763-FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, DEFENDANT

ORDER GRANTING MOTION TO WITHDRAW BILL OF PARTICULARS AND DENYING MOTION TO CHANGE DATE OF HEARING

The defendant having heretofore filed on August 14, 1941 a Motion for a Bill

of Particulars in the above-entitled matter and having thereafter filed a Motion on September 5, 1941, to withdraw its Motion for a Bill of Particulars and further for Reconsideration of the Order of the Director, dated September 3, 1941, postponing the hearing herein from September 29, 1941 to October 27, 1941 at the same time and place and rescheduling said hearing for September 29, 1941; and

It appearing to the Director that good cause has been shown for the granting of the Motion to withdraw said Motion for a Bill of Particulars; and

It further appearing to the Director that a date of hearing herein prior to October 27, 1941 will not be feasible.

Now, therefore, it is ordered, That the Motion to withdraw the Motion for a Bill of Particulars is granted and the Motion to reconsider and change the date of the hearing in the above-entitled matter, as provided in said order of September 3, 1941, is denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7331; Filed, October 1, 1941; 10:48 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWALS NOS. 25 AND 208, SOUTH DAKOTA NOS. 2 AND 5, REDUCED

Departmental orders of June 25, 1918, and February 13, 1930, withdrawing certain lands in South Dakota for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, are hereby revoked so far as they affect the following-described lands:

BLACK HILLS MERIDIAN

T. 10 N., R. 1 E.,
Sec. 15, S½NE¼;
T. 12 N., R. 1 E.,
Sec. 28, W½NW¼;
T. 11 N., R. 2 E.,
Sec. 5, NE¼ and E½NW¼,
Sec. 8, NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼,
Sec. 17, NE¼,
Sec. 21, N½NE¼ and NE¼NW¼,
Sec. 26, N½SE¼;
T. 14 N., R. 2 E.,
Sec. 30, S½NE¼ and SE¼;
T. 10 N., R. 3 E.,
Sec. 6, lots 1 and 2, S½NE¼, and SE¼;
T. 12 N., R. 3 E.,
Sec. 21, NE¼;
T. 11 N., R. 6 E.,
Sec. 8, SE¼NE¼,
Sec. 22, SW¼NE¼,
Sec. 26, S½S½,
Sec. 27, NE¼SW¼ and SE¼,
Sec. 34, E½NE¼ and SE¼NW¼;
T. 9 N., R. 8 E.,
Sec. 14, NE¼, SE¼SW¼, and NW¼SE¼,
Sec. 23, N½NW¼;
aggregating 2,785.01 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

SEPTEMBER 16, 1941.

[F. R. Doc. 41-7322; Filed, October 1, 1941; 9:32 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 2d, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Appomattox Garmen Company, 83 Church Street, Appomattox, Virginia; Dresses; 33 learners; March 12, 1942.

Bestform Foundations, Inc., 64-74 West 23rd Street, New York, New York; Corsets, Girdles and Brassieres; 10 percent; February 19, 1942.

Biberman Brothers, Inc., 128 Water Street, Northumberland, Pennsylvania; Dresses; 10 percent; October 2, 1942.

Charming Lady Cottons, Inc., 1727 Broad Street, South Greensburg, Pennsylvania; Dresses; 25 learners; March 12, 1942.

Crescent Neckwear Company, 355 Marietta Street, Atlanta, Georgia; Neckties; 5 learners; October 2, 1942.

N. Farah and Sons, Inc., 188 Huntington Street, Brooklyn, New York; Housecoats; 10 learners; February 19, 1942.

The Fishback Manufacturing Company, 1731 Arapahoe Street, Denver, Colorado; Overalls, Coveralls, Pants, Jackets; 5 learners; October 2, 1942.

Foster Brothers Sportswear Company, Inc., 21st and Hunting Park Avenue, Philadelphia, Pennsylvania; Men's Sportswear; 5 percent; October 2, 1942.

J. Freezer and Son, Inc., Floyd, Virginia; Men's Dress Shirts; 10 percent; October 2, 1942. (This certificate replaces the ones issued to you bearing the expiration dates of October 2 and October 18, 1941.)

J. Freezer and Son, Inc., Rural Retreat, Virginia; Dress Shirts; 10 percent; October 2, 1942. (This certificate replaces the ones issued to you bearing the expiration dates of October 2 and October 18, 1941.)

D. Gamson and Company, 1105 West Chicago Avenue, Chicago, Illinois; Ladies' and Children's Aprons; 5 learners; October 2, 1942.

The Hallmark Shirt Company, Inc., Davidson Street, Clinton, South Carolina; Dress Shirts; 85 learners; March 26, 1942.

Harmony Garment Company, 74 Kilburn Street, New Bedford, Massachusetts; Dresses, Blouses; 6 learners; October 2, 1942.

Harvard Trouser Company, 46 Carleton Road, Hillsdale, Michigan; Men's & Boys' Clothing; 5 learners; October 2, 1942.

Her Majesty Underwear Company, 314 North 13th Street, Philadelphia, Pennsylvania; Slips and Panties; 10 percent; October 2, 1942.

Kentucky Pants Company, 117 North Race Street, Glasgow, Kentucky; 100% Cotton Work Pants, Cotton & Rayon Mixed Pants; 10 percent; October 2, 1942.

H. W. Lawson Manufacturing Company, 746 South Los Angeles Street, Los Angeles, California; Dresses, Nightwear; 5 learners; October 2, 1942.

The H. D. Lee Mercantile Company, 20th and Wyandotte Streets, Kansas City, Missouri; Overalls, Coveralls, Single Cotton Pants, Single Pants Other Than Cotton, Odd Outerwear; 5 percent; October 2, 1942.

Charlotte Garment Company, 1215 South Caldwell Street, Charlotte, North Carolina; Men's Slack Suits; 60 learners; April 2, 1942.

Lemonde Corset Company, 902 Lapeer Street, Saginaw, Michigan; Corsets, Girdles, Combinations, Brassieres; 8 learners; October 2, 1942.

Meyersdale Manufacturing Company, Inc., Dale and Grant Streets, Meyersdale,

Pennsylvania; Men's Dress Shirts, Men's Sport Shirts; 10 percent; October 2, 1942.

Muriel Dress Company, 29 Troy Street, Fall River, Massachusetts; Cotton House Dresses; 15 learners; February 19, 1942.

New Era Shirt Company, 901 Lucas Avenue, St. Louis, Missouri; Men's & Boys' Dress and Sport Shirts; 10 percent; October 2, 1942.

Pioneer Trouser Company, 118 Walnut Street, North Manchester, Indiana; Trousers and Jackets; 5 learners; October 2, 1942.

Quaker City Pant and Overall Company, 421–27 Arch Street, Philadelphia, Pennsylvania; Overalls and Work Pants; 2 learners; October 2, 1942.

The Rauh Company, Ninth and Sycamore Streets, Cincinnati, Ohio; Men's & Boys' Dress Shirts; 10 percent; October 2, 1942.

Rensello Company, Inc., Minersville, Pennsylvania; Pajamas; 10 percent; October 2, 1942.

Rock Hall Manufacturing Company, Rock Hall, Maryland; Shirts; 8 learners; October 2, 1942.

H. H. Rosinsky and Company, 123 North Fifth Street, Philadelphia, Pennsylvania; Dresses; 5 learners; October 2, 1942.

Boris Smoler and Sons, Crawford and Prospect Streets, Elkhart, Indiana; Dresses; 10 percent; October 2, 1942.

A. Stein and Company, 1149 West Congress Street, Chicago, Illinois; Suspenders, Garters, Corsets; 10 percent; October 2, 1942.

The Sterling Company, 629 Tenth Street, Huntington, West Virginia; Cotton Dresses; 5 percent; October 2, 1942.

Jack Tobin, Hillcrest Road, Mantua, New Jersey; Dresses; 10 percent; October 2, 1942.

Adolf Vogel, 119 Military Plaza, San Antonio, Texas; Men's Leather Belts; 5 learners; October 2, 1942 .

M. Wiener and Company, 725 Arch Street, Philadelphia, Pennsylvania; Men's Cotton Bathing Trunks; 5 learners; October 2, 1942.

Gloves

William B. Chant Incorporated, 92 Hammond Street, Port Jervis, New York; Knit Fabric Gloves; 10 percent; October 2, 1942.

Hosiery

Beloit Hosiery Company, 206 Wheeler Avenue, S. Beloit, Illinois; Seamless Hosiery; 5 learners; October 2, 1942.

Bradley Full Fashioned Hosiery Company, Inc., Cleveland, Tennessee; Full Fashioned Hosiery; 5 learners; October 2, 1942.

Burson Knitting Company, S. Main and Cedar Streets, Rockford, Illinois; Seamless; 5 percent; October 2, 1942.

Cheraw Knitting Mills, Cheraw, South Carolina; Full Fashioned Hosiery; 10 learners; June 2, 1942.

Chipman LaCrosse Hosiery Mills Company, Inc., East Flat Rock, North Carolina; Seamless Hosiery; 5 learners; October 2, 1942.

J. A. Cline and Son, Hildebran, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Drexel Knitting Mills Company, Drexel, North Carolina; Seamless Hosiery; 20 learners; June 2, 1942.

Drexel Knitting Mills Company, Drexel, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Duke Hosiery Corporation, 4th Street and Highland Avenue, Hickory, North Carolina; Seamless Hosiery; 5 learners; October 2, 1942.

Ellis Hosiery Mills, Lenoir Highway, Hickory, North Carolina; Seamless Hosiery; 5 Percent; October 2, 1942.

Fidelity Hosiery Mills, Inc., 3rd and Walnut Streets, Shamokin, Pennsylvania; Seamless Hosiery; 5 percent; October 2, 1942.

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pennsylvania; Seamless Hosiery; 5 percent; October 2, 1942.

Harris and Covington Hosiery Mills, Inc., 308 Oak Street, High Point, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Hickory Knitting Mills, Highland Avenue, Hickory, North Carolina; Seamless Hosiery; 5 learners; October 2, 1942.

Infants Socks, Inc., Eufaula, Alabama; Seamless Hosiery; 5 percent; October 2, 1942.

Lincoln Hosiery Company, Lincoln, Pennsylvania; Seamless Hosiery; 5 learners; October 2, 1942.

Millheim Hosiery Mills, Inc., Millheim, Pennsylvania; Seamless Hosiery; 5 percent; October 2, 1942.

Nolde and Horst Company of Tennessee, McMinnville, Tennessee; Seamless Hosiery; 5 percent; October 2, 1942.

Regan Knitting Company, 7 Cox Avenue, Thomasville, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Renfro Hosiery Mills Company, Mount Airy, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Sulloway Hosiery Mills, River Street, Franklin, New Hampshire; Seamless Hosiery; 5 percent; October 2, 1942.

Willstrut Hosiery Mill, 16308 Foothill Boulevard, San Leandro, California; Seamless Hosiery; 5 learners; October 2, 1942.

Textile

Harry Cohen and Company, 3436 Klickitat Avenue, Seattle, Washington; Dishtowels; 2 learners; February 12, 1942.

Frankoweave, Inc., Amber and Willard Streets, Philadelphia, Pennsylvania; Woven Narrow Fabrics, Webbings; 12 learners; January 5, 1942.

Williams Banding Works; 1211 Ozark Avenue, Gastonia, North Carolina; Cotton Bandings; 2 learners; October 2, 1942.

Signed at Washington, D. C., this 1st day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7343; Filed, October 1, 1941; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that the Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 2, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS. LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Barnett Manufacturing Company, 300 Hazel Street, Macon, Georgia; Cloth Collars, Back Bands, Collar Pads; 2 learners; 240 hours for any one learner; 25 cents per hour; Clicking Machine Operator, Filler Mixer; November 27, 1941.

Harry Cohen and Company, 3436 Klickitat Avenue, Seattle, Washington; Burlap and Cotton Bags; 2 learners; 240 hours for any one learner; 25 cents per hour; Stitching Machine Operator; February 12, 1942.

Signed at Washington, D. C., this 1st day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7344; Filed, October 1, 1941; 11:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5731]

IN THE MATTER OF THE OHIO PUBLIC SERVICE COMPANY AND THE TOLEDO EDISON COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 30, 1941.

Commissioners: Claude L. Draper, Acting Chairman, Basil Manly, John W. Scott and Clyde L. Seavey; Leland Olds not participating.

Upon application filed September 30, 1941, by The Ohio Public Service Company and The Toledo Edison Company for postponement of the hearing in this proceeding;

The Commission orders that:

The hearing in this proceeding heretofore set for October 7, 1941, be and it is hereby postponed to a date to be hereafter fixed by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-7320; Filed October 1, 1941; 9:32 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-405]

IN THE MATTER OF LOUISVILLE GAS & ELECTRIC COMPANY (KENTUCKY)

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of September A. D. 1941.

A declaration or application (or both) having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named person or persons, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on October 6, 1941, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

(1) Whether said application, regarding the issuance of 150,000 shares of common stock of Louisville Gas & Electric Company (Kentucky) at prices to be supplied by amendment, considered as an application pursuant to section 6 (b) of said Act, should be approved; or considered as a declaration pursuant to sections 6 (a) (1) and 7 of said Act, should be permitted to become effective; and

(2) Whether the Commission should make a finding pursuant to Rule U-50 (a) (5) exempting the proposed issuance and sale from the competitive bidding requirements of Rule U-50 (b), application for such a finding having been made and the applicant having set forth in said application that it proposes to market said shares of common stock by a direct offer to the public, with provision for the allowance of a concession to dealers or brokers who are members in good standing of the National Association of Securities Dealers, Inc. and who execute an agreement with the company relating to the distribution of the common stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7317; Filed, September 30, 1941; 3:52 p. m.]

[File No. 811-413]

IN THE MATTER OF AVIATION AND TRANSPORTATION CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the first day of October, A. D. 1941.

Aviation and Transportation Corporation, a registered closed-end management investment company, having duly filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 10, 1941, at 10:05 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7338; Filed, October 1, 1941; 11:38 a. m.]

[File No. 59-31]

IN THE MATTER OF ILLINOIS IOWA POWER COMPANY, RESPONDENT

ORDER FOR POSTPONEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of September, A. D. 1941.

The Commission having issued on August 22, 1941 a Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 in the above entitled cause; said order providing that the Respondent file an answer to certain allegations contained therein on or before October 1, 1941; and said order further providing that a public hearing be held on October 10, 1941;

The Respondent having requested the postponement of the date for filing said answer to October 13, 1941, and having further requested a postponement of the scheduled public hearing to October 23, 1941;

It is ordered, That the time within which Respondent may file said answer be and it is hereby extended to October 13, 1941 and that the date of the scheduled hearing be and it is hereby postponed to October 23, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7339, Filed, October 1, 1941; 11:38 a. m.]

[File No. 70-282]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY, ARKANSAS UTILITIES COMPANY, THE KANSAS UTILITIES COMPANY, MISSOURI UTILITIES COMPANY, ET AL.

ORDER APPROVING APPLICATIONS, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1941.

Community Power and Light Company, a registered holding company, and Arkansas Utilities Company, The Kansas Utilities Company and Missouri Utilities Company, its subsidiaries, having filed declarations and applications, and amendments thereto, pursuant to the

Public Utility Holding Company Act of 1935 with respect to the following: the issue and sale by Missouri Utilities Company of $3,150,000 principal amount of First Mortgage 3½% Bonds to Dillon, Read & Co. for resale to The Equitable Life Assurance Society, of 11,912 shares of 5% Preferred Stock, $100 par value, to underwriters for resale to the public, and of 2,088 shares of 5% Preferred Stock, $100 par value, and 125,000 shares of Common Stock $1 par value, to Community Power and Light Company; the sale by Community Power and Light Company of the securities received by it as aforesaid to underwriters for resale to the public; the reacquisition and redemption by Missouri Utilities Company of its presently outstanding securities; the issue and sale by Arkansas Utilities Company of $1,000,000 principal amount of First Mortgage 4% Bonds and 100,000 shares of common stock, $5 par value, to Community Power and Light Company in exchange for all of the presently outstanding securities of Arkansas Utilities Company; the transfer of certain utility assets from Arkansas Utilities Company to Missouri Utilities Company; and an advance of $199,000 by Community Power and Light Company to The Kansas Utilities Company; and certain other transactions involved in and incidental to the foregoing.

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings herein:

It is hereby ordered, That the said applications as amended be and they hereby are approved and that the said declarations as amended be and they hereby are permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

Jurisdiction is reserved with respect to all accounting entries to be made by Community Power and Light Company in connection with the foregoing and also with respect to all transactions embraced in the applications and declarations filed herein and not referred to above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7340; Filed, October 1, 1941; 11:38 a. m.]

[File No. 59-29]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

ORDER POSTPONING HEARING AND RETURN DATE OF ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 30th day of September, A. D. 1941.

The Commission having on July 25, 1941 issued its Notice and Order for Hearing and Order to Show Cause in the above entitled proceeding setting a hearing for August 12, 1941 at 10:00 A. M. and having further ordered the Respondents at that date to show cause why the Commission should not forthwith enter an order prohibiting the declaration or payment of further dividends on the common stock of Pennsylvania;

The Commission having on August 8, 1941 and September 17, 1941 at the request of the Respondents issued orders postponing said hearing and return date to show cause until October 2, 1941, upon the assurances of the Respondents that no dividends will be declared or paid on the Common stock of Pennsylvania until after the convening of the hearing in October and in no event earlier than October 24, 1941;

The Respondents having requested a further extension of time until at least October 13, 1941, on the grounds that they have not had and will not have within the time allowed, sufficient opportunity properly to prepare to meet these issues and having represented that Pennsylvania will not declare or pay any dividend on its common stock until after the convening of the hearing in October and in no event earlier than November 3, 1941 without further order of this Commission:

It is ordered, That the request of the Respondents for a postponement of the hearing previously ordered for October 2, 1941 be and hereby is granted, conditioned on the aforementioned assurances of the Respondents; and

It is further ordered, That the hearing in the above entitled proceeding shall be held on October 13, 1941 at the time and place stated in the Commission's Order dated July 25, 1941 and that in all other respects the hearing shall proceed as set forth in such Order of July 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7342; Filed, October 1, 1941; 11:47 a. m.]